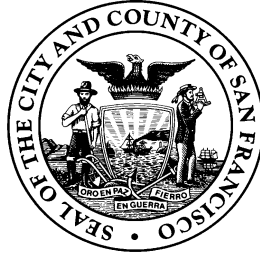


BOARD of SUPERVISORS



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MEMORANDUM

GOVERNMENT AUDIT AND OVERSIGHT COMMITTEE

SAN FRANCISCO BOARD OF SUPERVISORS

TO: Supervisor Gordon Mar, Chair
Government Audit and Oversight Committee

FROM: John Carroll, Assistant Clerk

DATE: April 5, 2019

SUBJECT: **COMMITTEE REPORT, BOARD MEETING**
Tuesday, April 9, 2019

The following file should be presented as a COMMITTEE REPORT at the Board meeting, Tuesday, April 9, 2019. This item was acted upon at the regular Government Audit and Oversight Committee meeting on Thursday, April 4, 2019, at 10:00 a.m., by the votes indicated.

Item No. 29 File No. 190319

Resolution opposing California State Senate Bill No. 50, authored by Senator Scott Wiener, which would undermine community participation in planning for the well-being of the environment and the public good, prevent the public from recapturing an equitable portion of the economic benefits conferred to private interests, and significantly restrict San Francisco's ability to protect vulnerable communities from displacement and gentrification, unless further amended.

RECOMMENDED AS AMENDED AS A COMMITTEE REPORT

Vote: Supervisor Gordon Mar - Aye
Supervisor Vallie Brown - No
Supervisor Shamann Fewer - Aye
Supervisor Aaron Peskin - Absent

Cc: Board of Supervisors
Angela Calvillo, Clerk of the Board
John Carroll, Acting Legislative Deputy
Jon Givner, Deputy City Attorney

File No. 190319

Committee Item No. 5

Board Item No. 29

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Government Audit and Oversight

Date: April 4, 2019

Board of Supervisors Meeting:

Date: April 9, 2019

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Resolution - VERSION 2 |
| <input type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Public Correspondence |

OTHER

- | | | |
|-------------------------------------|-------------------------------------|--|
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>SB50 Legislative Text - December 3, 2018</u> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>CA Senate Housing Committee Bill Analysis - April 2, 2019</u> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>District 4 Supervisor Letter - April 2, 2019</u> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>CA State Senate District 11 Senator Letter - March 25, 2019</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Committee Report Request Memo - March 27, 2019</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Presidential Action Transfer Memo - March 27, 2019</u> |

Prepared by: John Carroll

Date: March 29, 2019

Prepared by: John Carroll

Date: April 5, 2019

1 [Opposing California State Senate Bill No. 50 (Wiener) - Housing Development: Incentives -
2 Unless Amended]

3 **Resolution opposing California State Senate Bill No. 50, authored by Senator Scott**
4 **Wiener, which would undermine community participation in planning for the well-being**
5 **of the environment and the public good, prevent the public from recapturing an**
6 **equitable portion of the economic benefits conferred to private interests, and**
7 **significantly restrict San Francisco's ability to protect vulnerable communities from**
8 **displacement and gentrification, unless further amended.**

9
10 WHEREAS, The California State Legislature is currently considering passage of State
11 Senate Bill No. 50 (SB 50), which would entitle real estate developers to increase both
12 residential and mixed use development with significantly less public review and in excess of
13 many existing local plans developed often after extensive public participation and in concert
14 with our regional governing agencies and consistent with state planning mandates; and

15 WHEREAS, SB 50 would incentivize market rate housing development unaffordable to
16 most San Franciscans without guaranteeing increased affordable housing development, while
17 94 percent of the City's market-rate-housing goals through the year 2022 have already been
18 met and less than 30 percent of moderate and low income housing goals have been met,
19 according to the Planning Department's development pipeline report; and

20 WHEREAS, The City and County of San Francisco along with many other communities
21 is striving to address the social and environmental impacts of regional growth of private
22 industry, which include displacement of low income seniors, working families, and
23 communities of color, and strained public transit and infrastructure; and the City has been
24 most successful managing this growth through the adoption of community-driven local plans;
25 and

1 WHEREAS, SB 50 establishes an optional and only temporary exception from its
2 mandated development incentives for formulaically defined 'Sensitive Communities' with the
3 apparent purpose of controlling displacement while expanding growth; and

4 WHEREAS, SB 50 restricts the ability of the city to adopt long term zoning and land
5 use policies to assure equitable and affordable development in all its neighborhoods; denies
6 the city the ability to adjust or expand the boundaries of those protected neighborhoods based
7 upon community testimony and additional research; and SB 50's temporary 'Sensitive
8 Communities' exemption fails to encompass many of the areas threatened by development
9 driven displacement and gentrification, including parts of the Mission, Chinatown, Western
10 South of Market, Portola, the Bayview, Castro, Inner Richmond and others; and

11 WHEREAS, Neighborhoods outside "Sensitive Communities" targeted by SB50 in hot
12 market cities like San Francisco can also experience hidden gentrification and displacement
13 pressures, including on cash poor homeowners, and experience significant barriers for
14 affordable housing production, such that raising land values through upzoning without the
15 certainty of affordable units getting built in these neighborhoods will exacerbate pressures and
16 barriers to develop non-speculative, permanently affordable housing, especially where there is
17 no local community plan to facilitate and guide increased development; and

18 WHEREAS, The upzoning proposed by SB 50 confers significant value to properties
19 for increased development opportunity and yet is not tied to any increased affordability
20 requirements for San Francisco above and beyond the baseline Inclusionary standard already
21 required of development projects, which undermines sound public policy that requires any
22 substantial value created by density increases or other upzoning be used, at least in part, to
23 provide a meaningful net increase in affordable housing; and

24 WHEREAS, While SB 50's provisions standing alone may appear to preserve local
25 demolition controls and other local planning processes, without further clarifying amendments,

1 the combination of SB 50's development incentives with other state laws undermine the ability
2 of local governments to protect existing housing and small businesses and otherwise advance
3 the public good, specifically through community-driven local plans; now, therefore, be it

4 RESOLVED, That the Board of Supervisors of the City and County of San Francisco
5 joins with other local jurisdictions and a growing statewide coalition of housing advocates in
6 opposing SB 50 unless amended to cure these concerns; and, be it

7 FURTHER RESOLVED, That the Board of Supervisors of the City and County of San
8 Francisco is committed to working with its State Legislative Delegation to craft the necessary
9 amendments to SB 50 in order to adequately guarantee housing affordability, protect
10 vulnerable communities, and protect San Francisco's sovereign charter authority; and, be it

11 FURTHER RESOLVED, That the Board of Supervisors of the City and County of San
12 Francisco directs the Clerk of the Board to transmit copies of this resolution to the State
13 Legislature and the City Lobbyist upon passage.

AMENDED IN SENATE MARCH 11, 2019

SENATE BILL

No. 50

Introduced by Senator Wiener

(Coauthors: Senators Caballero, Hueso, Moorlach, and Skinner)

Skinner, and Stone

(Coauthors: Assembly Members Burke, *Diep, Fong*, Kalra, Kiley, Low,
Robert Rivas, Ting, and Wicks)

December 3, 2018

An act to *amend Section 65589.5 of, and to add Chapter 4.35* (commencing with Section 65918.50) to Division 1 of Title 7 of the Government Code, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

SB 50, as amended, Wiener. Planning and zoning: housing development: ~~equitable communities incentive~~: *incentives*.

Existing law, known as the Density Bonus Law, requires, when an applicant proposes a housing development within the jurisdiction of a local government, that the city, county, or city and county provide the developer with a density bonus and other incentives or concessions for the production of lower income housing units or for the donation of land within the development if the developer, among other things, agrees to construct a specified percentage of units for very low, low-, or moderate-income households or qualifying residents.

This bill would require a city, county, or city and county to grant upon request an equitable communities incentive when a development proponent seeks and agrees to construct a residential development, as defined, that satisfies specified criteria, including, among other things, that the residential development is either a job-rich housing project or a transit-rich housing project, as those terms are defined; the site does

not contain, or has not contained, housing occupied by tenants or accommodations withdrawn from rent or lease in accordance with specified law within specified time periods; and the residential development complies with specified additional requirements under existing law. The bill would require that a residential development eligible for an equitable communities incentive receive waivers from maximum controls on density and *minimum controls on* automobile parking requirements greater than 0.5 parking spots per unit, up to 3 additional incentives or concessions under the Density Bonus Law, and specified additional waivers if the residential development is located within a ½-mile or ¼-mile radius of a major transit stop, as defined. The bill would authorize a local government to modify or expand the terms of an equitable communities incentive, provided that the equitable communities incentive is consistent with these provisions.

The bill would include findings that the changes proposed by ~~this bill~~ *these provisions* address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities. The bill would also ~~declare the intent of the Legislature to delay implementation of this bill~~ *these provisions* in sensitive communities, as defined, until July 1, 2020, as provided.

By adding to the duties of local planning officials, this bill would impose a state-mandated local program.

The Housing Accountability Act prohibits a local agency from disapproving, or conditioning approval in a manner that renders infeasible, a housing development project for very low, low-, or moderate-income households or an emergency shelter unless the local agency makes specified written findings based on a preponderance of the evidence in the record. That law provides that the receipt of a density bonus is not a valid basis on which to find a proposed housing development is inconsistent, not in compliance, or not in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision of that act.

This bill would additionally provide that the receipt of an equitable communities incentive is not a valid basis on which to find a proposed housing development is inconsistent, not in compliance, or not in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision of that act.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 65589.5 of the Government Code is
2 amended to read:

3 65589.5. (a) (1) The Legislature finds and declares all of the
4 following:

5 (A) The lack of housing, including emergency shelters, is a
6 critical problem that threatens the economic, environmental, and
7 social quality of life in California.

8 (B) California housing has become the most expensive in the
9 nation. The excessive cost of the state's housing supply is partially
10 caused by activities and policies of many local governments that
11 limit the approval of housing, increase the cost of land for housing,
12 and require that high fees and exactions be paid by producers of
13 housing.

14 (C) Among the consequences of those actions are discrimination
15 against low-income and minority households, lack of housing to
16 support employment growth, imbalance in jobs and housing,
17 reduced mobility, urban sprawl, excessive commuting, and air
18 quality deterioration.

19 (D) Many local governments do not give adequate attention to
20 the economic, environmental, and social costs of decisions that
21 result in disapproval of housing development projects, reduction
22 in density of housing projects, and excessive standards for housing
23 development projects.

24 (2) In enacting the amendments made to this section by the act
25 adding this paragraph, the Legislature further finds and declares
26 the following:

27 (A) California has a housing supply and affordability crisis of
28 historic proportions. The consequences of failing to effectively
29 and aggressively confront this crisis are hurting millions of
30 Californians, robbing future generations of the chance to call
31 California home, stifling economic opportunities for workers and
32 businesses, worsening poverty and homelessness, and undermining
33 the state's environmental and climate objectives.

1 (B) While the causes of this crisis are multiple and complex,
2 the absence of meaningful and effective policy reforms to
3 significantly enhance the approval and supply of housing affordable
4 to Californians of all income levels is a key factor.

5 (C) The crisis has grown so acute in California that supply,
6 demand, and affordability fundamentals are characterized in the
7 negative: underserved demands, constrained supply, and protracted
8 unaffordability.

9 (D) According to reports and data, California has accumulated
10 an unmet housing backlog of nearly 2,000,000 units and must
11 provide for at least 180,000 new units annually to keep pace with
12 growth through 2025.

13 (E) California's overall homeownership rate is at its lowest level
14 since the 1940s. The state ranks 49th out of the 50 states in
15 homeownership rates as well as in the supply of housing per capita.
16 Only one-half of California's households are able to afford the
17 cost of housing in their local regions.

18 (F) Lack of supply and rising costs are compounding inequality
19 and limiting advancement opportunities for many Californians.

20 (G) The majority of California renters, more than 3,000,000
21 households, pay more than 30 percent of their income toward rent
22 and nearly one-third, more than 1,500,000 households, pay more
23 than 50 percent of their income toward rent.

24 (H) When Californians have access to safe and affordable
25 housing, they have more money for food and health care; they are
26 less likely to become homeless and in need of
27 government-subsidized services; their children do better in school;
28 and businesses have an easier time recruiting and retaining
29 employees.

30 (I) An additional consequence of the state's cumulative housing
31 shortage is a significant increase in greenhouse gas emissions
32 caused by the displacement and redirection of populations to states
33 with greater housing opportunities, particularly working- and
34 middle-class households. California's cumulative housing shortfall
35 therefore has not only national but international environmental
36 consequences.

37 (J) California's housing picture has reached a crisis of historic
38 proportions despite the fact that, for decades, the Legislature has
39 enacted numerous statutes intended to significantly increase the

1 approval, development, and affordability of housing for all income
2 levels, including this section.

3 (K) The Legislature's intent in enacting this section in 1982 and
4 in expanding its provisions since then was to significantly increase
5 the approval and construction of new housing for all economic
6 segments of California's communities by meaningfully and
7 effectively curbing the capability of local governments to deny,
8 reduce the density for, or render infeasible housing development
9 projects and emergency shelters. That intent has not been fulfilled.

10 (L) It is the policy of the state that this section should be
11 interpreted and implemented in a manner to afford the fullest
12 possible weight to the interest of, and the approval and provision
13 of, housing.

14 (3) It is the intent of the Legislature that the conditions that
15 would have a specific, adverse impact upon the public health and
16 safety, as described in paragraph (2) of subdivision (d) and
17 paragraph (1) of subdivision (j), arise infrequently.

18 (b) It is the policy of the state that a local government not reject
19 or make infeasible housing development projects, including
20 emergency shelters, that contribute to meeting the need determined
21 pursuant to this article without a thorough analysis of the economic,
22 social, and environmental effects of the action and without
23 complying with subdivision (d).

24 (c) The Legislature also recognizes that premature and
25 unnecessary development of agricultural lands for urban uses
26 continues to have adverse effects on the availability of those lands
27 for food and fiber production and on the economy of the state.
28 Furthermore, it is the policy of the state that development should
29 be guided away from prime agricultural lands; therefore, in
30 implementing this section, local jurisdictions should encourage,
31 to the maximum extent practicable, in filling existing urban areas.

32 (d) A local agency shall not disapprove a housing development
33 project, including farmworker housing as defined in subdivision
34 (h) of Section 50199.7 of the Health and Safety Code, for very
35 low, low-, or moderate-income households, or an emergency
36 shelter, or condition approval in a manner that renders the housing
37 development project infeasible for development for the use of very
38 low, low-, or moderate-income households, or an emergency
39 shelter, including through the use of design review standards,

1 unless it makes written findings, based upon a preponderance of
2 the evidence in the record, as to one of the following:

3 (1) The jurisdiction has adopted a housing element pursuant to
4 this article that has been revised in accordance with Section 65588,
5 is in substantial compliance with this article, and the jurisdiction
6 has met or exceeded its share of the regional housing need
7 allocation pursuant to Section 65584 for the planning period for
8 the income category proposed for the housing development project,
9 provided that any disapproval or conditional approval shall not be
10 based on any of the reasons prohibited by Section 65008. If the
11 housing development project includes a mix of income categories,
12 and the jurisdiction has not met or exceeded its share of the regional
13 housing need for one or more of those categories, then this
14 paragraph shall not be used to disapprove or conditionally approve
15 the housing development project. The share of the regional housing
16 need met by the jurisdiction shall be calculated consistently with
17 the forms and definitions that may be adopted by the Department
18 of Housing and Community Development pursuant to Section
19 65400. In the case of an emergency shelter, the jurisdiction shall
20 have met or exceeded the need for emergency shelter, as identified
21 pursuant to paragraph (7) of subdivision (a) of Section 65583. Any
22 disapproval or conditional approval pursuant to this paragraph
23 shall be in accordance with applicable law, rule, or standards.

24 (2) The housing development project or emergency shelter as
25 proposed would have a specific, adverse impact upon the public
26 health or safety, and there is no feasible method to satisfactorily
27 mitigate or avoid the specific adverse impact without rendering
28 the development unaffordable to low- and moderate-income
29 households or rendering the development of the emergency shelter
30 financially infeasible. As used in this paragraph, a “specific,
31 adverse impact” means a significant, quantifiable, direct, and
32 unavoidable impact, based on objective, identified written public
33 health or safety standards, policies, or conditions as they existed
34 on the date the application was deemed complete. Inconsistency
35 with the zoning ordinance or general plan land use designation
36 shall not constitute a specific, adverse impact upon the public
37 health or safety.

38 (3) The denial of the housing development project or imposition
39 of conditions is required in order to comply with specific state or
40 federal law, and there is no feasible method to comply without

1 rendering the development unaffordable to low- and
2 moderate-income households or rendering the development of the
3 emergency shelter financially infeasible.

4 (4) The housing development project or emergency shelter is
5 proposed on land zoned for agriculture or resource preservation
6 that is surrounded on at least two sides by land being used for
7 agricultural or resource preservation purposes, or which does not
8 have adequate water or wastewater facilities to serve the project.

9 (5) The housing development project or emergency shelter is
10 inconsistent with both the jurisdiction's zoning ordinance and
11 general plan land use designation as specified in any element of
12 the general plan as it existed on the date the application was
13 deemed complete, and the jurisdiction has adopted a revised
14 housing element in accordance with Section 65588 that is in
15 substantial compliance with this article. For purposes of this
16 section, a change to the zoning ordinance or general plan land use
17 designation subsequent to the date the application was deemed
18 complete shall not constitute a valid basis to disapprove or
19 condition approval of the housing development project or
20 emergency shelter.

21 (A) This paragraph cannot be utilized to disapprove or
22 conditionally approve a housing development project if the housing
23 development project is proposed on a site that is identified as
24 suitable or available for very low, low-, or moderate-income
25 households in the jurisdiction's housing element, and consistent
26 with the density specified in the housing element, even though it
27 is inconsistent with both the jurisdiction's zoning ordinance and
28 general plan land use designation.

29 (B) If the local agency has failed to identify in the inventory of
30 land in its housing element sites that can be developed for housing
31 within the planning period and are sufficient to provide for the
32 jurisdiction's share of the regional housing need for all income
33 levels pursuant to Section 65584, then this paragraph shall not be
34 utilized to disapprove or conditionally approve a housing
35 development project proposed for a site designated in any element
36 of the general plan for residential uses or designated in any element
37 of the general plan for commercial uses if residential uses are
38 permitted or conditionally permitted within commercial
39 designations. In any action in court, the burden of proof shall be
40 on the local agency to show that its housing element does identify

1 adequate sites with appropriate zoning and development standards
2 and with services and facilities to accommodate the local agency's
3 share of the regional housing need for the very low, low-, and
4 moderate-income categories.

5 (C) If the local agency has failed to identify a zone or zones
6 where emergency shelters are allowed as a permitted use without
7 a conditional use or other discretionary permit, has failed to
8 demonstrate that the identified zone or zones include sufficient
9 capacity to accommodate the need for emergency shelter identified
10 in paragraph (7) of subdivision (a) of Section 65583, or has failed
11 to demonstrate that the identified zone or zones can accommodate
12 at least one emergency shelter, as required by paragraph (4) of
13 subdivision (a) of Section 65583, then this paragraph shall not be
14 utilized to disapprove or conditionally approve an emergency
15 shelter proposed for a site designated in any element of the general
16 plan for industrial, commercial, or multifamily residential uses. In
17 any action in court, the burden of proof shall be on the local agency
18 to show that its housing element does satisfy the requirements of
19 paragraph (4) of subdivision (a) of Section 65583.

20 (e) Nothing in this section shall be construed to relieve the local
21 agency from complying with the congestion management program
22 required by Chapter 2.6 (commencing with Section 65088) of
23 Division 1 of Title 7 or the California Coastal Act of 1976
24 (Division 20 (commencing with Section 30000) of the Public
25 Resources Code). Neither shall anything in this section be
26 construed to relieve the local agency from making one or more of
27 the findings required pursuant to Section 21081 of the Public
28 Resources Code or otherwise complying with the California
29 Environmental Quality Act (Division 13 (commencing with Section
30 21000) of the Public Resources Code).

31 (f) (1) Nothing in this section shall be construed to prohibit a
32 local agency from requiring the housing development project to
33 comply with objective, quantifiable, written development standards,
34 conditions, and policies appropriate to, and consistent with, meeting
35 the jurisdiction's share of the regional housing need pursuant to
36 Section 65584. However, the development standards, conditions,
37 and policies shall be applied to facilitate and accommodate
38 development at the density permitted on the site and proposed by
39 the development.

1 (2) Nothing in this section shall be construed to prohibit a local
2 agency from requiring an emergency shelter project to comply
3 with objective, quantifiable, written development standards,
4 conditions, and policies that are consistent with paragraph (4) of
5 subdivision (a) of Section 65583 and appropriate to, and consistent
6 with, meeting the jurisdiction's need for emergency shelter, as
7 identified pursuant to paragraph (7) of subdivision (a) of Section
8 65583. However, the development standards, conditions, and
9 policies shall be applied by the local agency to facilitate and
10 accommodate the development of the emergency shelter project.

11 (3) This section does not prohibit a local agency from imposing
12 fees and other exactions otherwise authorized by law that are
13 essential to provide necessary public services and facilities to the
14 housing development project or emergency shelter.

15 (4) For purposes of this section, a housing development project
16 or emergency shelter shall be deemed consistent, compliant, and
17 in conformity with an applicable plan, program, policy, ordinance,
18 standard, requirement, or other similar provision if there is
19 substantial evidence that would allow a reasonable person to
20 conclude that the housing development project or emergency
21 shelter is consistent, compliant, or in conformity.

22 (g) This section shall be applicable to charter cities because the
23 Legislature finds that the lack of housing, including emergency
24 shelter, is a critical statewide problem.

25 (h) The following definitions apply for the purposes of this
26 section:

27 (1) "Feasible" means capable of being accomplished in a
28 successful manner within a reasonable period of time, taking into
29 account economic, environmental, social, and technological factors.

30 (2) "Housing development project" means a use consisting of
31 any of the following:

32 (A) Residential units only.

33 (B) Mixed-use developments consisting of residential and
34 nonresidential uses with at least two-thirds of the square footage
35 designated for residential use.

36 (C) Transitional housing or supportive housing.

37 (3) "Housing for very low, low-, or moderate-income
38 households" means that either (A) at least 20 percent of the total
39 units shall be sold or rented to lower income households, as defined
40 in Section 50079.5 of the Health and Safety Code, or (B) 100

1 percent of the units shall be sold or rented to persons and families
2 of moderate income as defined in Section 50093 of the Health and
3 Safety Code, or persons and families of middle income, as defined
4 in Section 65008 of this code. Housing units targeted for lower
5 income households shall be made available at a monthly housing
6 cost that does not exceed 30 percent of 60 percent of area median
7 income with adjustments for household size made in accordance
8 with the adjustment factors on which the lower income eligibility
9 limits are based. Housing units targeted for persons and families
10 of moderate income shall be made available at a monthly housing
11 cost that does not exceed 30 percent of 100 percent of area median
12 income with adjustments for household size made in accordance
13 with the adjustment factors on which the moderate-income
14 eligibility limits are based.

15 (4) "Area median income" means area median income as
16 periodically established by the Department of Housing and
17 Community Development pursuant to Section 50093 of the Health
18 and Safety Code. The developer shall provide sufficient legal
19 commitments to ensure continued availability of units for very low
20 or low-income households in accordance with the provisions of
21 this subdivision for 30 years.

22 (5) "Disapprove the housing development project" includes any
23 instance in which a local agency does either of the following:

24 (A) Votes on a proposed housing development project
25 application and the application is disapproved, including any
26 required land use approvals or entitlements necessary for the
27 issuance of a building permit.

28 (B) Fails to comply with the time periods specified in
29 subdivision (a) of Section 65950. An extension of time pursuant
30 to Article 5 (commencing with Section 65950) shall be deemed to
31 be an extension of time pursuant to this paragraph.

32 (i) If any city, county, or city and county denies approval or
33 imposes conditions, including design changes, lower density, or
34 a reduction of the percentage of a lot that may be occupied by a
35 building or structure under the applicable planning and zoning in
36 force at the time the application is deemed complete pursuant to
37 Section 65943, that have a substantial adverse effect on the viability
38 or affordability of a housing development for very low-, low-, or
39 moderate-income households, and the denial of the development
40 or the imposition of conditions on the development is the subject

1 of a court action which challenges the denial or the imposition of
2 conditions, then the burden of proof shall be on the local legislative
3 body to show that its decision is consistent with the findings as
4 described in subdivision (d) and that the findings are supported by
5 a preponderance of the evidence in the record. For purposes of this
6 section, “lower density” includes any conditions that have the same
7 effect or impact on the ability of the project to provide housing.

8 (j) (1) When a proposed housing development project complies
9 with applicable, objective general plan, zoning, and subdivision
10 standards and criteria, including design review standards, in effect
11 at the time that the housing development project’s application is
12 determined to be complete, but the local agency proposes to
13 disapprove the project or to impose a condition that the project be
14 developed at a lower density, the local agency shall base its
15 decision regarding the proposed housing development project upon
16 written findings supported by a preponderance of the evidence on
17 the record that both of the following conditions exist:

18 (A) The housing development project would have a specific,
19 adverse impact upon the public health or safety unless the project
20 is disapproved or approved upon the condition that the project be
21 developed at a lower density. As used in this paragraph, a “specific,
22 adverse impact” means a significant, quantifiable, direct, and
23 unavoidable impact, based on objective, identified written public
24 health or safety standards, policies, or conditions as they existed
25 on the date the application was deemed complete.

26 (B) There is no feasible method to satisfactorily mitigate or
27 avoid the adverse impact identified pursuant to paragraph (1), other
28 than the disapproval of the housing development project or the
29 approval of the project upon the condition that it be developed at
30 a lower density.

31 (2) (A) If the local agency considers a proposed housing
32 development project to be inconsistent, not in compliance, or not
33 in conformity with an applicable plan, program, policy, ordinance,
34 standard, requirement, or other similar provision as specified in
35 this subdivision, it shall provide the applicant with written
36 documentation identifying the provision or provisions, and an
37 explanation of the reason or reasons it considers the housing
38 development to be inconsistent, not in compliance, or not in
39 conformity as follows:

1 (i) Within 30 days of the date that the application for the housing
2 development project is determined to be complete, if the housing
3 development project contains 150 or fewer housing units.

4 (ii) Within 60 days of the date that the application for the
5 housing development project is determined to be complete, if the
6 housing development project contains more than 150 units.

7 (B) If the local agency fails to provide the required
8 documentation pursuant to subparagraph (A), the housing
9 development project shall be deemed consistent, compliant, and
10 in conformity with the applicable plan, program, policy, ordinance,
11 standard, requirement, or other similar provision.

12 (3) For purposes of this section, the receipt of a density bonus
13 pursuant to Section 65915 *or an equitable communities incentive*
14 *pursuant to Section 65918.51* shall not constitute a valid basis on
15 which to find a proposed housing development project is
16 inconsistent, not in compliance, or not in ~~conformity~~, *conformity*
17 with an applicable plan, program, policy, ordinance, standard,
18 requirement, or other similar provision specified in this subdivision.

19 (4) For purposes of this section, a proposed housing development
20 project is not inconsistent with the applicable zoning standards
21 and criteria, and shall not require a rezoning, if the housing
22 development project is consistent with the objective general plan
23 standards and criteria but the zoning for the project site is
24 inconsistent with the general plan. If the local agency has complied
25 with paragraph (2), the local agency may require the proposed
26 housing development project to comply with the objective
27 standards and criteria of the zoning which is consistent with the
28 general plan, however, the standards and criteria shall be applied
29 to facilitate and accommodate development at the density allowed
30 on the site by the general plan and proposed by the proposed
31 housing development project.

32 (5) For purposes of this section, “lower density” includes any
33 conditions that have the same effect or impact on the ability of the
34 project to provide housing.

35 (k) (1) (A) The applicant, a person who would be eligible to
36 apply for residency in the development or emergency shelter, or
37 a housing organization may bring an action to enforce this section.
38 If, in any action brought to enforce this section, a court finds that
39 either (i) the local agency, in violation of subdivision (d),
40 disapproved a housing development project or conditioned its

1 approval in a manner rendering it infeasible for the development
2 of an emergency shelter, or housing for very low, low-, or
3 moderate-income households, including farmworker housing,
4 without making the findings required by this section or without
5 making findings supported by a preponderance of the evidence,
6 or (ii) the local agency, in violation of subdivision (j), disapproved
7 a housing development project complying with applicable,
8 objective general plan and zoning standards and criteria, or imposed
9 a condition that the project be developed at a lower density, without
10 making the findings required by this section or without making
11 findings supported by a preponderance of the evidence, the court
12 shall issue an order or judgment compelling compliance with this
13 section within 60 days, including, but not limited to, an order that
14 the local agency take action on the housing development project
15 or emergency shelter. The court may issue an order or judgment
16 directing the local agency to approve the housing development
17 project or emergency shelter if the court finds that the local agency
18 acted in bad faith when it disapproved or conditionally approved
19 the housing development or emergency shelter in violation of this
20 section. The court shall retain jurisdiction to ensure that its order
21 or judgment is carried out and shall award reasonable attorney’s
22 fees and costs of suit to the plaintiff or petitioner, except under
23 extraordinary circumstances in which the court finds that awarding
24 fees would not further the purposes of this section. For purposes
25 of this section, “lower density” includes conditions that have the
26 same effect or impact on the ability of the project to provide
27 housing.

28 (B) (i) Upon a determination that the local agency has failed
29 to comply with the order or judgment compelling compliance with
30 this section within 60 days issued pursuant to subparagraph (A),
31 the court shall impose fines on a local agency that has violated this
32 section and require the local agency to deposit any fine levied
33 pursuant to this subdivision into a local housing trust fund. The
34 local agency may elect to instead deposit the fine into the Building
35 Homes and Jobs Fund, if Senate Bill 2 of the 2017–18 Regular
36 Session is enacted, or otherwise in the Housing Rehabilitation
37 Loan Fund. The fine shall be in a minimum amount of ten thousand
38 dollars (\$10,000) per housing unit in the housing development
39 project on the date the application was deemed complete pursuant
40 to Section 65943. In determining the amount of fine to impose,

1 the court shall consider the local agency's progress in attaining its
2 target allocation of the regional housing need pursuant to Section
3 65584 and any prior violations of this section. Fines shall not be
4 paid out of funds already dedicated to affordable housing,
5 including, but not limited to, Low and Moderate Income Housing
6 Asset Funds, funds dedicated to housing for very low, low-, and
7 moderate-income households, and federal HOME Investment
8 Partnerships Program and Community Development Block Grant
9 Program funds. The local agency shall commit and expend the
10 money in the local housing trust fund within five years for the sole
11 purpose of financing newly constructed housing units affordable
12 to extremely low, very low, or low-income households. After five
13 years, if the funds have not been expended, the money shall revert
14 to the state and be deposited in the Building Homes and Jobs Fund,
15 if Senate Bill 2 of the 2017–18 Regular Session is enacted, or
16 otherwise in the Housing Rehabilitation Loan Fund, for the sole
17 purpose of financing newly constructed housing units affordable
18 to extremely low, very low, or low-income households.

19 (ii) If any money derived from a fine imposed pursuant to this
20 subparagraph is deposited in the Housing Rehabilitation Loan
21 Fund, then, notwithstanding Section 50661 of the Health and Safety
22 Code, that money shall be available only upon appropriation by
23 the Legislature.

24 (C) If the court determines that its order or judgment has not
25 been carried out within 60 days, the court may issue further orders
26 as provided by law to ensure that the purposes and policies of this
27 section are fulfilled, including, but not limited to, an order to vacate
28 the decision of the local agency and to approve the housing
29 development project, in which case the application for the housing
30 development project, as proposed by the applicant at the time the
31 local agency took the initial action determined to be in violation
32 of this section, along with any standard conditions determined by
33 the court to be generally imposed by the local agency on similar
34 projects, shall be deemed to be approved unless the applicant
35 consents to a different decision or action by the local agency.

36 (2) For purposes of this subdivision, "housing organization"
37 means a trade or industry group whose local members are primarily
38 engaged in the construction or management of housing units or a
39 nonprofit organization whose mission includes providing or
40 advocating for increased access to housing for low-income

1 households and have filed written or oral comments with the local
2 agency prior to action on the housing development project. A
3 housing organization may only file an action pursuant to this
4 section to challenge the disapproval of a housing development by
5 a local agency. A housing organization shall be entitled to
6 reasonable attorney's fees and costs if it is the prevailing party in
7 an action to enforce this section.

8 (l) If the court finds that the local agency (1) acted in bad faith
9 when it disapproved or conditionally approved the housing
10 development or emergency shelter in violation of this section and
11 (2) failed to carry out the court's order or judgment within 60 days
12 as described in subdivision (k), the court, in addition to any other
13 remedies provided by this section, shall multiply the fine
14 determined pursuant to subparagraph (B) of paragraph (1) of
15 subdivision (k) by a factor of five. For purposes of this section,
16 "bad faith" includes, but is not limited to, an action that is frivolous
17 or otherwise entirely without merit.

18 (m) Any action brought to enforce the provisions of this section
19 shall be brought pursuant to Section 1094.5 of the Code of Civil
20 Procedure, and the local agency shall prepare and certify the record
21 of proceedings in accordance with subdivision (c) of Section 1094.6
22 of the Code of Civil Procedure no later than 30 days after the
23 petition is served, provided that the cost of preparation of the record
24 shall be borne by the local agency, unless the petitioner elects to
25 prepare the record as provided in subdivision (n) of this section.
26 A petition to enforce the provisions of this section shall be filed
27 and served no later than 90 days from the later of (1) the effective
28 date of a decision of the local agency imposing conditions on,
29 disapproving, or any other final action on a housing development
30 project or (2) the expiration of the time periods specified in
31 subparagraph (B) of paragraph (5) of subdivision (h). Upon entry
32 of the trial court's order, a party may, in order to obtain appellate
33 review of the order, file a petition within 20 days after service
34 upon it of a written notice of the entry of the order, or within such
35 further time not exceeding an additional 20 days as the trial court
36 may for good cause allow, or may appeal the judgment or order
37 of the trial court under Section 904.1 of the Code of Civil
38 Procedure. If the local agency appeals the judgment of the trial
39 court, the local agency shall post a bond, in an amount to be

1 determined by the court, to the benefit of the plaintiff if the plaintiff
2 is the project applicant.

3 (n) In any action, the record of the proceedings before the local
4 agency shall be filed as expeditiously as possible and,
5 notwithstanding Section 1094.6 of the Code of Civil Procedure or
6 subdivision (m) of this section, all or part of the record may be
7 prepared (1) by the petitioner with the petition or petitioner's points
8 and authorities, (2) by the respondent with respondent's points and
9 authorities, (3) after payment of costs by the petitioner, or (4) as
10 otherwise directed by the court. If the expense of preparing the
11 record has been borne by the petitioner and the petitioner is the
12 prevailing party, the expense shall be taxable as costs.

13 (o) This section shall be known, and may be cited, as the
14 Housing Accountability Act.

15 SECTION 1.

16 SEC. 2. Chapter 4.35 (commencing with Section 65918.50) is
17 added to Division 1 of Title 7 of the Government Code, to read:

18
19 CHAPTER 4.35. EQUITABLE COMMUNITIES INCENTIVES

20
21 65918.50. For purposes of this chapter:

22 ~~(a) "Affordable" means available at affordable rent or affordable~~
23 ~~housing cost to, and occupied by, persons and families of extremely~~
24 ~~low, very low, low, or moderate incomes, as specified in context,~~
25 ~~and subject to a recorded affordability restriction for at least 55~~
26 ~~years.~~

27 ~~(b)~~

28 (a) "Development proponent" means an applicant who submits
29 an application for an equitable communities incentive pursuant to
30 this chapter.

31 ~~(c)~~

32 (b) "Eligible applicant" means a development proponent who
33 receives an equitable communities incentive.

34 ~~(d)~~

35 (c) "FAR" means floor area ratio.

36 ~~(e)~~

37 (d) "High-quality bus corridor" means a corridor with fixed
38 route bus service that meets all of the following criteria:

39 (1) It has average service intervals of no more than 15 minutes
40 during the three peak hours between 6 a.m. to 10 a.m., inclusive,

1 and the three peak hours between 3 p.m. and 7 p.m., inclusive, on
2 Monday through Friday.

3 (2) It has average service intervals of no more than 20 minutes
4 during the hours of 6 a.m. to 10 ~~a.m.~~, *p.m.*, inclusive, on Monday
5 through Friday.

6 (3) It has average intervals of no more than 30 minutes during
7 the hours of 8 a.m. to 10 p.m., inclusive, on Saturday and Sunday.

8 (e) (1) *“Jobs-rich area” means an area identified by the*
9 *Department of Housing and Community Development in*
10 *consultation with the Office of Planning and Research that is both*
11 *high opportunity and jobs rich, based on whether, in a regional*
12 *analysis, the tract meets the following:*

13 (A) *The tract is higher opportunity and its characteristics are*
14 *associated with positive educational and economic outcomes for*
15 *households of all income levels residing in the tract.*

16 (B) *The tract meets either of the following criteria:*

17 (i) *New housing sited in the tract would enable residents to live*
18 *in or near a jobs-rich area, as measured by employment density*
19 *and job totals.*

20 (ii) *New housing sited in the tract would enable shorter commute*
21 *distances for residents, compared to existing commute levels.*

22 (2) *The Department of Housing and Community Development*
23 *shall, commencing on January 1, 2020, publish and update, every*
24 *five years thereafter, a map of the state showing the areas identified*
25 *by the department as “jobs-rich areas.”*

26 (f) *“Job-rich housing project” means a residential development*
27 *within an area identified as a jobs-rich area by the Department of*
28 *Housing and Community Development* ~~and~~ *in consultation with*
29 *the Office of Planning and Research, based on indicators such as*
30 *proximity to jobs, high area median income relative to the relevant*
31 *region, and high-quality public schools, as an area of high*
32 *opportunity close to jobs. A residential development shall be*
33 *deemed to be within an area designated as job-rich if both of the*
34 *following apply:*

35 (1) *All parcels within the project have no more than 25 percent*
36 *of their area outside of the job-rich area.*

37 (2) *No more than 10 percent of residential units or 100 units,*
38 *whichever is less, of the development are outside of the job-rich*
39 *area.*

- 1 (g) “Local government” means a city, including a charter city,
2 a county, or a city and county.
- 3 (h) “Major transit stop” means ~~a site containing an existing rail~~
4 ~~transit station or a ferry terminal served by either bus or rail transit~~
5 ~~service. that is a major transit stop pursuant to subdivision (b) of~~
6 ~~Section 21155 of the Public Resources Code.~~
- 7 (i) “Residential development” means a project with at least
8 two-thirds of the square footage of the development designated
9 for residential use.
- 10 (j) “Sensitive community” means ~~an~~ either of the following:
11 (1) Except as provided in paragraph (2), an area identified by
12 the Department of Housing and Community Development, which
13 identification shall be updated every five years, in consultation
14 with local community-based organizations in each metropolitan
15 planning region, as an area vulnerable to displacement pressures,
16 based on indicators such as percentage of tenant households living
17 at, or under, the poverty line relative to the region. where both of
18 the following apply:
19 (A) Thirty percent or more of the census tract lives below the
20 poverty line, provided that college students do not compose at
21 least 25 percent of the population.
22 (B) The location quotient of residential racial segregation in
23 the census tract is at least 1.25 as defined by the Department of
24 Housing and Community Development.
25 (2) In the Counties of Alameda, Contra Costa, Marin, Napa,
26 Santa Clara, San Francisco, San Mateo, Solano, and Sonoma,
27 areas designated by the Metropolitan Transportation Commission
28 on December 19, 2018, as the intersection of disadvantaged and
29 vulnerable communities as defined by the Metropolitan
30 Transportation Commission and the San Francisco Bay
31 Conservation and Development Commission, which identification
32 of a sensitive community shall be updated at least every five years
33 by the Department of Housing and Community Development.
- 34 (k) “Tenant” means a person ~~residing in~~ who does not own the
35 property where they reside, including residential situations that
36 are any of the following:
37 (1) Residential real property rented by the person under a
38 long-term lease.
39 (2) A single-room occupancy unit.

1 (3) An accessory dwelling unit that is not subject to, or does
2 not have a valid permit in accordance with, an ordinance adopted
3 by a local agency pursuant to Section 65852.22.

4 (4) A residential motel.

5 (5) *A mobilehome park, as governed under the Mobilehome*
6 *Residency Law (Chapter 2.5 (commencing with Section 798) of*
7 *Title 2 of Part 2 of Division 2 of the Civil Code), the Recreational*
8 *Vehicle Park Occupancy Law (Chapter 2.6 (commencing with*
9 *Section 799.20) of Title 2 of Part 2 of Division 2 of the Civil Code),*
10 *the Mobilehome Parks Act (Part 2.1 (commencing with Section*
11 *18200) of Division 13 of the Health and Safety Code), or the*
12 *Special Occupancy Parks Act (Part 2.3 (commencing with Section*
13 *18860) of Division 13 of the Health and Safety Code).*

14 ~~(5)~~

15 (6) Any other type of residential property that is not owned by
16 the person or a member of the person’s household, for which the
17 person or a member of the person’s household provides payments
18 on a regular schedule in exchange for the right to occupy the
19 residential property.

20 (l) “Transit-rich housing project” means a residential
21 development the parcels of which are all within a one-half mile
22 radius of a major transit stop or a one-quarter mile radius of a stop
23 on a high-quality bus corridor. A project shall be deemed to be
24 within ~~a one-half mile~~ *the radius of a major transit stop or a*
25 ~~one-quarter mile radius of a stop on a high-quality bus corridor~~ if
26 both of the following apply:

27 (1) All parcels within the project have no more than 25 percent
28 of their area outside of a one-half mile radius of a major transit
29 stop or a one-quarter mile radius of a stop on a high-quality bus
30 corridor.

31 (2) No more than 10 percent of the residential units or 100 units,
32 whichever is less, of the project are outside of a one-half mile
33 radius of a major transit stop or a one-quarter mile radius of a stop
34 on a high-quality bus corridor.

35 65918.51. ~~(a)~~A local government shall, upon request of a
36 development proponent, grant an equitable communities incentive,
37 as specified in Section 65918.53, when the development proponent
38 seeks and agrees to construct a residential development that
39 satisfies the requirements specified in Section 65918.52.

1 ~~(b) It is the intent of the Legislature that, absent exceptional~~
2 ~~circumstances, actions taken by a local legislative body that~~
3 ~~increase residential density not undermine the equitable~~
4 ~~communities incentive program established by this chapter.~~

5 65918.52. In order to be eligible for an equitable communities
6 incentive pursuant to this chapter, a residential development shall
7 meet all of the following criteria:

8 (a) The residential development is either a job-rich housing
9 project or transit-rich housing project.

10 (b) The residential development is located on a site that, at the
11 time of application, is zoned to allow housing as an underlying
12 use in the zone, including, but not limited to, a residential,
13 mixed-use, or commercial zone, as defined and allowed by the
14 local government.

15 (c) (1) If the local government has adopted an inclusionary
16 housing ordinance requiring that the development include a certain
17 number of units affordable to households with incomes that do not
18 exceed the limits for moderate-income, lower income, very low
19 income, or extremely low income specified in Sections 50079.5,
20 50093, 50105, and 50106 of the Health and Safety Code, and that
21 ordinance requires that a new development include levels of
22 affordable housing in excess of the requirements specified in
23 paragraph (2), the residential development complies with that
24 ordinance. *The ordinance may provide alternative means of*
25 *compliance that may include, but are not limited to, in-lieu fees,*
26 *land dedication, offsite construction, or acquisition and*
27 *rehabilitation of existing units.*

28 (2) (A) If the local government has not adopted an inclusionary
29 housing ordinance, as described in paragraph (1), ~~and the residential~~
30 ~~development includes _____ or more residential units,~~ the residential
31 development includes ~~onsite~~ *an affordable housing contribution*
32 for households with incomes that do not exceed the limits for
33 extremely low income, very low income, and low income specified
34 in Sections 50093, 50105, and 50106 of the Health and Safety
35 Code. ~~It is the intent of the Legislature to require that any~~
36 ~~development of _____ or more residential units receiving an~~
37 ~~equitable communities incentive pursuant to this chapter include~~
38 ~~housing affordable to low, very low or extremely low income~~
39 ~~households, which, for projects with low or very low income units,~~
40 ~~are no less than the number of onsite units affordable to low or~~

1 ~~very low income households that would be required pursuant to~~
2 ~~subdivision (f) of Section 65915 for a development receiving a~~
3 ~~density bonus of 35 percent.~~

4 *(B) For purposes of this paragraph, the residential development*
5 *is subject to one of the following:*

6 *(i) If the project has 10 or fewer units, no affordability*
7 *contribution is imposed.*

8 *(ii) If the project has 11 to 20 residential units, the development*
9 *proponent may pay an in-lieu fee to the local government for*
10 *affordable housing, where feasible, pursuant to subparagraph (C).*

11 *(iii) If the project has more than 20 residential units, the*
12 *development proponent shall do either of the following:*

13 *(I) Make a comparable affordability contribution toward*
14 *housing offsite that is affordable to lower income households,*
15 *pursuant to subparagraph (C).*

16 *(II) Include units on the site of the project that are affordable*
17 *to extremely low income, as defined in Section 50105 of the Health*
18 *and Safety Code, very low income, or low-income households, as*
19 *defined in Section 50079.5 of the Health and Safety Code, as*
20 *follows:*

21		
22	<i>Project Size</i>	<i>Inclusionary Requirement</i>
23	<i>21– 200 units</i>	<i>15% low income; or</i>
24		<i>8% very low income; or</i>
25		<i>6% extremely low income</i>
26	<i>201–350 units</i>	<i>17% low income; or</i>
27		<i>10% very low income; or</i>
28		<i>8% extremely low income</i>
29	<i>351 or more units</i>	<i>25% low income; or</i>
30		<i>15% very low income; or</i>
31		<i>11% extremely low income</i>
32		

33 *(C) The development proponent of a project that qualifies*
34 *pursuant to clause (ii) or subclause (I) of clause (iii) of*
35 *subparagraph (B) may make a comparable affordability*
36 *contribution toward housing offsite that is affordable to lower*
37 *income households, as follows:*

38 *(i) The local government collecting the in-lieu fee payment shall*
39 *make every effort to ensure that future affordable housing will be*
40 *sited within one-half mile of the original project location within*

1 *the boundaries of the local government by designating an existing*
2 *housing opportunity site within a one-half mile radius of the project*
3 *site for affordable housing. To the extent practicable, local housing*
4 *funding shall be prioritized at the first opportunity to build*
5 *affordable housing on that site.*

6 *(ii) If no housing opportunity sites that satisfy clause (i) are*
7 *available, the local government shall designate a site for affordable*
8 *housing within the boundaries of the local government and make*
9 *findings that the site for the affordable housing development*
10 *affirmatively furthers fair housing, as defined in Section 8899.50.*

11 *(D) Affordability of units pursuant to this paragraph shall be*
12 *restricted by deed for a period of 55 years for rental units or 45*
13 *years for units offered for sale.*

14 (d) The site does not contain, or has not contained, either of the
15 following:

16 (1) Housing occupied by tenants within the seven years
17 preceding the date of the application, including housing that has
18 been demolished or that tenants have vacated prior to the
19 application for a development permit.

20 (2) A parcel or parcels on which an owner of residential real
21 property has exercised ~~his or her~~ *their* rights under Chapter 12.75
22 (commencing with Section 7060) of Division 7 of Title 1 to
23 withdraw accommodations from rent or lease within 15 years prior
24 to the date that the development proponent submits an application
25 pursuant to this chapter.

26 (e) The residential development complies with all applicable
27 labor, construction employment, and wage standards otherwise
28 required by law and any other generally applicable requirement
29 regarding the approval of a development project, including, but
30 not limited to, the local government's conditional use or other
31 discretionary permit approval process, the California
32 Environmental Quality Act (Division 13 (commencing with Section
33 21000) of the Public Resources Code), or a streamlined approval
34 process that includes labor protections.

35 (f) The residential development complies with all other relevant
36 standards, requirements, and prohibitions imposed by the local
37 government regarding architectural design, restrictions on or
38 oversight of demolition, impact fees, and community benefits
39 agreements.

1 (g) The equitable communities incentive shall not be used to
2 undermine the economic feasibility of delivering low-income
3 housing under the state density bonus program or a local
4 implementation of the state density bonus program, or any locally
5 adopted program that puts conditions on new development
6 applications on the basis of receiving a zone change or general
7 plan amendment in exchange for benefits such as increased
8 affordable housing, local hire, or payment of prevailing wages.

9 65918.53. (a) ~~A residential development~~ *Any transit-rich or*
10 *jobs-rich housing project* that meets the criteria specified in Section
11 65918.52 shall receive, upon request, an equitable communities
12 incentive as follows:

13 ~~(1) Any eligible applicant shall receive the following:~~

14 ~~(A)~~

15 ~~(1) A waiver from maximum controls on density.~~

16 ~~(B)~~

17 ~~(2) A waiver from maximum~~ *minimum* automobile parking
18 requirements greater than 0.5 automobile parking spots per unit.

19 ~~(C)~~

20 ~~(3) Up to three incentives and concessions pursuant to~~
21 subdivision (d) of Section 65915.

22 ~~(2)~~

23 ~~(b) An eligible applicant proposing a residential development~~
24 ~~that is located within a one-half mile radius, but outside a~~
25 ~~one-quarter mile radius, of a major transit stop and includes no~~
26 ~~less than _____ percent affordable housing units shall receive, in~~
27 ~~addition to the incentives specified in paragraph (1), subdivision~~
28 ~~(a), waivers from all of the following:~~

29 ~~(A)~~

30 ~~(1) Maximum height requirements less than 45 feet.~~

31 ~~(B)~~

32 ~~(2) Maximum FAR requirements less than 2.5.~~

33 ~~(C)~~

34 ~~(3) Notwithstanding subparagraph (B) of paragraph (1), any~~
35 ~~maximum automobile parking requirement.~~

36 ~~(3)~~

37 ~~(c) An eligible applicant proposing a residential development~~
38 ~~that is located within a one-quarter mile radius of a major transit~~
39 ~~and includes no less than _____ percent affordable housing units~~

1 *stop* shall receive, in addition to the incentives specified in
2 ~~paragraph (1); subdivision (a)~~, waivers from all of the following:

3 (A)

4 (1) Maximum height requirements less than 55 feet.

5 (B)

6 (2) Maximum FAR requirements less than 3.25.

7 (C)

8 (3) ~~Notwithstanding subparagraph (B) of paragraph (1); (1) of~~
9 ~~subdivision (b)~~, any ~~maximum~~ *minimum* automobile parking
10 requirement.

11 (4)

12 (d) Notwithstanding any other law, for purposes of calculating
13 any additional incentive or concession in accordance with Section
14 65915, the number of units in the residential development after
15 applying the equitable communities incentive received pursuant
16 to this chapter shall be used as the base density for calculating the
17 incentive or concession under that section.

18 (5)

19 (e) An eligible applicant proposing a project that meets all of
20 the requirements under Section 65913.4 may submit an application
21 for streamlined, ministerial approval in accordance with that
22 section.

23 (b)

24 (f) The local government may modify or expand the terms of
25 an equitable communities incentive provided pursuant to this
26 chapter, provided that the equitable communities incentive is
27 consistent with, and meets the minimum standards specified in,
28 this chapter.

29 65918.54. The Legislature finds and declares that this chapter
30 addresses a matter of statewide concern rather than a municipal
31 affair as that term is used in Section 5 of Article XI of the
32 California Constitution. Therefore, this chapter applies to all cities,
33 including charter cities.

34 65918.55. (a) ~~It is the intent of the Legislature that~~
35 ~~implementation~~ *Implementation* of this chapter *shall* be delayed
36 in sensitive communities until July 1, 2020.

37 (b) ~~It is further the intent of the Legislature to enact legislation~~
38 ~~that does all of the following:~~

39 (1)

1 (b) Between January 1, 2020, and _____, allows a local
 2 government, in lieu of the requirements of this chapter, to may opt
 3 for a community-led planning process *in sensitive communities*
 4 aimed toward increasing residential density and multifamily
 5 housing choices near transit stops. stops, as follows:

6 ~~(2) Encourages sensitive~~

7 (1) Sensitive communities to opt for that pursue a
 8 community-led planning process at the neighborhood level to
 9 develop shall, on or before January 1, 2025, produce a community
 10 plan that may include zoning and any other policies that encourage
 11 multifamily housing development at a range of income levels to
 12 meet unmet needs, protect vulnerable residents from displacement,
 13 and address other locally identified priorities.

14 ~~(3) Sets minimum performance standards for community plans,~~
 15 ~~such as minimum~~

16 (2) Community plans shall, at a minimum, be consistent with
 17 the overall residential development capacity and the minimum
 18 affordability standards set forth in this chapter. chapter within the
 19 boundaries of the community plan.

20 ~~(4) Automatically applies the~~

21 (3) The provisions of this chapter shall apply on January 1,
 22 2025, to sensitive communities that do have not have adopted
 23 community plans that meet the minimum standards described in
 24 paragraph ~~(3); (2)~~, whether those plans were adopted prior to or
 25 after enactment of this chapter.

26 SEC. 2.

27 SEC. 3. No reimbursement is required by this act pursuant to
 28 Section 6 of Article XIII B of the California Constitution because
 29 a local agency or school district has the authority to levy service
 30 charges, fees, or assessments sufficient to pay for the program or
 31 level of service mandated by this act, within the meaning of Section
 32 17556 of the Government Code.

SENATE COMMITTEE ON HOUSING
Senator Scott Wiener, Chair
2019 - 2020 Regular

Bill No:	SB 50	Hearing Date:	4/2/2019
Author:	Wiener		
Version:	3/11/2019 Amended		
Urgency:	No	Fiscal:	Yes
Consultant:	Alison Hughes		

SUBJECT: Planning and zoning: housing development: incentives

DIGEST: This bill requires a local government to grant an equitable communities incentive, which reduces specified local zoning standards in “jobs-rich” and “transit rich areas,” as defined, when a development proponent meets specified requirements.

ANALYSIS:

Existing law:

- 1) Provides, under the Housing Accountability Act, that when a proposed housing development project complies with applicable, objective general plan, zoning, and subdivision standards in effect at the time the housing development project’s application is determined to be complete, but the local agency proposes to disapprove the project or impose a condition that the project be approved at a lower density, the local agency shall base its decision upon written findings, as specified.
- 2) Requires all cities and counties to adopt an ordinance that specifies how they will implement state density bonus law. Requires cities and counties to grant a density bonus when an applicant for a housing development of five or more units seeks and agrees to construct a project that will contain at least one of the following:
 - a) 10% of the total units of a housing development for lower income households
 - b) 5% of the total units of a housing development for very low-income households
 - c) A senior citizen housing development or mobile home park
 - d) 10% of the units in a common interest development (CID) for moderate-income households

- e) 10% of the total units for transitional foster youth, disabled veterans, or homeless persons.
- 3) Requires the city or county to allow an increase in density on a sliding scale from 20% to 35% over the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the general plan, depending on the percentage of units affordable low-income, very low-income, or senior households.
 - 4) Provides that upon the request of a developer, a city, county, or city and county shall not require a vehicular parking ratio, inclusive of disabled and guest parking, that meets the following ratios:
 - a) Zero to one bedroom — one onsite parking space
 - b) Two to three bedrooms — two onsite parking spaces
 - c) Four and more bedrooms — two and one-half parking spaces
 - 5) Provides that if a project contains 100% affordable units and is within ½ mile of a major transit stop, the local government shall not impose a parking ratio higher than .5 spaces per unit.
 - 6) The applicant shall receive the following number of incentives or concessions:
 - a) One incentive or concession for projects that include at least 10% of the total units for lower income households or at least 5% for very low income households.
 - b) Two incentives or concessions for projects that include at least 20% of the total units for lower income households or at least 10% for very low income households.
 - c) Three incentives or concessions for projects that include at least 30% of the total units for lower income households or at least 15% for very low income households.
 - 7) Provides that supportive housing, in which 100% of units are dedicated to low-income households (up to 80% AMI) and are receiving public funding to ensure affordability, shall be a use by right in all zones where multifamily and mixed uses are allowed, as specified.
 - 8) Provides that infill developments in localities that have failed to meet their regional housing needs assessment (RHNA) numbers shall not be subject to a streamlined, ministerial approval process, as specified.

This bill:

- 1) Defines “high quality bus corridor” as a corridor with fixed bus route service that meets specified average service intervals.
- 2) Defines “jobs-rich area” as an area identified by the Department of Housing and Community Development (HCD), in consultation with the Office of Planning and Research (OPR), that both meets “high opportunity” and “jobs-rich,” based on whether, in a regional analysis, the tract meets (a) and (b) below. HCD shall, beginning January 1, 2020 publish and update a map of the state showing areas identified as “jobs-rich areas” every five years.
 - a) The tract is “higher opportunity” and its characteristics are associated with positive educational and economic outcomes of all income levels residing in the tract.
 - b) The tract meets either of the following:
 - i. New housing sited in the tract would enable residents to live in or near the jobs-rich area, as measured by employment density and job totals.
 - ii. New housing sited in the tract would enable shorter commute distances for residents compared to existing commute levels.
- 3) “Jobs-rich housing project” means a residential development within an area identified as a “jobs-rich area” by HCD and OPR, based on indicators such as proximity to jobs, high median income relative to the relevant region, and high-quality public schools, as an area of high opportunity close to jobs.
- 4) Defines “major transit stop” as a rail transit station or a ferry terminal as defined.
- 5) Defines “residential development” as a project with at least two-thirds of the square footage of the development designated for residential use.
- 6) Defines “sensitive communities” as either:
 - a) An area identified by HCD every five years, in consultation with local community-based organizations in each metropolitan planning region, as an area where both of the following apply:
 - i. 30% or more of the census tract lives below the poverty line, provided that college students do not compose at least 25% of the population.
 - ii. The “location quotient” of residential racial segregation in the census tract is at least 1.25 as defined by HCD.

- b) In the counties of Alameda, Contra Costa, Marin, Napa, Santa Clara, San Francisco, San Mateo, Solano, and Sonoma, areas designated by the Metropolitan Transportation Commission (MTC) on December 19, 2018 as the intersection of disadvantaged and vulnerable communities as defined by the MTC and the San Francisco Bay Conservation and Development Commission.
- 7) Defines “tenant” as a person who does not own the property where they reside, including specified residential situations.
 - 8) Defines “transit-rich housing project” as a residential development in which the parcels are all within ½ mile radius of a major transit stop or ¼ mile radius of a stop on a high-quality bus corridor.
 - 9) Requires a local government to grant an equitable communities incentive when a development proponent seeks and agrees to construct a residential development that meets the following requirements:
 - a) The residential development is either a jobs-rich housing project or transit-rich housing project.
 - b) The residential development is located on a site that, at the time of application, is zoned to allow “housing as an underlying use” in the zone.
 - c) Prohibits the site from containing either of the following:
 - i. Housing occupied by tenants within the seven years preceding the date of the application.
 - ii. A parcel or parcels on which an owner of residential real property has exercised their rights to withdraw accommodations from rent or lease within 15 years prior to the date that the development proponent submits an application under this bill.
 - d) The residential development complies with all applicable labor, construction, employment, and wage standards otherwise required by law, and any other generally applicable requirement regarding the approval of a development project.
 - e) The residential development complies with all relevant standards, requirements, and prohibitions imposed by the local government regarding architectural design, restrictions on or oversight of demolition, impact fees, and community benefit agreements.
 - f) Affordable housing requirements, required to remain affordable for 55 years for rental units and 45 years for units offered for sale, as specified:
 - i. If the local government has adopted an inclusionary housing ordinance and that ordinance requires that a new development include levels of

affordability in excess of what is required in this bill, the requirements in that ordinance shall apply.

ii. If (i) does not apply, the following shall apply:

Project Size	Inclusionary Housing Requirement
1-10 units	No affordability requirement.
11-20 units	Development proponent may pay an in lieu fee, where feasible, toward housing offsite affordable to lower income households.
21-200 units	<ul style="list-style-type: none"> • 15% low income OR • 8% very low income OR • 6% extremely low income OR • Comparable affordability contribution toward housing offsite affordable to lower income households.
201 – 350 units	<ul style="list-style-type: none"> • 17% low income OR • 10% very low income OR • 8% extremely low income OR • Comparable affordability contribution toward housing offsite affordable to lower income households
351 units or more	<ul style="list-style-type: none"> • 25% low income OR • 15% very low income OR • 11% extremely low income OR • Comparable affordability contribution toward housing offsite affordable to lower income households

iii. If a development proponent makes a comparable affordability contribution toward housing offsite, the local government collecting the in-lieu payment shall make every effort to ensure that future affordable housing will be sited within ½ mile of the original project location within the boundaries of the local government by designating the existing housing opportunity site within a ½ mile radius of the project site for affordable housing. To the extent practical, local housing funding shall be prioritized at the first opportunity to build affordable housing on that site.

iv. If no housing sites are available, the local government shall designate a site for affordable housing within the boundaries its jurisdiction and make findings that the site affirmatively furthers fair housing, as specified.

10) Prohibits the equitable communities incentive from being used to undermine the economic feasibility of delivering low-income housing under specified state

and local housing programs, including the state or a local implementation of the state density bonus program.

- 11) Requires a transit-rich or jobs-rich housing project to receive an equitable communities incentive, as follows:
 - a) A waiver from maximum controls on density.
 - b) A waiver from minimum parking requirements greater than .5 parking spaces per unit.
 - c) Up to three incentives and concessions under density bonus law.
- 12) Requires projects up to $\frac{1}{4}$ mile radius of a major transit stop, in addition to the benefits identified in (11), to receive waivers from all of the following:
 - a) Maximum height requirements less than 55 feet.
 - b) Maximum floor area ratio requirements less than 3.25.
 - c) Any minimum parking requirement.
- 13) Requires projects between $\frac{1}{4}$ and $\frac{1}{2}$ mile of a major transit stop, in addition to the benefits identified in (11), to receive waivers from all of the following:
 - a) Maximum height requirements less than 45 feet.
 - b) Maximum floor area ratio requirements less than 2.5.
 - c) Any maximum parking requirement.
- 14) Requires, for purposes of calculating any additional incentives and concessions under density bonus law, to use the number of units after applying the increased density permitted under this bill as the base density.
- 15) Permits a development receiving an equitable communities incentive to also be eligible for streamlined, ministerial approval under existing law.
- 16) Requires the implementation of this bill to be delayed in sensitive communities until July 1, 2020. Between January 1, 2020 and an unspecified date, a local government, in lieu of the requirements in this bill, may opt for a community-led planning process in sensitive communities aimed toward increasing residential density and multifamily housing choices near transit stops, as follows:
 - a) Sensitive communities that pursue a community-led planning process at the neighborhood level shall, on or before January 1, 2025, produce a community plan that may include zoning and any other policies that encourage

multifamily housing development at a range of income levels to meet unmet needs, protect vulnerable residents from displacement, and address other locally identified priorities.

- b) Community plans shall, at a minimum, be consistent with the overall residential development capacity and the minimum affordability standards set forth in this chapter within the boundaries of the community plan.
- c) The provisions of this bill shall apply on January 1, 2025, to sensitive communities that have not adopted community plans that meet the minimum standards described in paragraph (16)(b).

17) States that the receipt of an equitable communities incentive shall not constitute a valid basis to find a proposed housing development project inconsistent, not in compliance, or in conformity with an applicable plan, program, policy, ordinance, standard, requirement or other similar provision under the Housing Accountability Act.

COMMENTS

1) *Purpose of the bill.* According to the author, “California’s statewide housing deficit is quickly approaching four million homes -- equal to the total deficit of the other forty-nine states combined. This housing shortage threatens our state’s environment, economy, diversity, and quality of life for current and future generations. In addition to tenant protections and increased funding for affordable housing, we need an enormous amount of new housing at all income levels in order to keep people stable in their homes. Policy interventions focused on relieving our housing shortage must be focused both on the number of new homes built and also the location of those homes: as we create space for more families in our communities, they must be near public transportation and jobs. The status quo patterns of development in California are covering up farmland and wild open space while inducing crushing commutes. Absent state intervention, communities will continue to effectively prohibit people from living near transit and jobs by making it illegal to build small apartment buildings around transit and jobs, while fueling sprawl and inhumane supercommutes.

“Small and medium-sized apartment buildings (i.e., not single-family homes and not high rises) near public transportation and high-opportunity job centers are an equitable, sustainable, and low-cost source of new housing. SB 50 promotes this kind of housing by allowing small apartment buildings that most California neighborhoods ban, regardless of local restrictions on density, within a half mile of rail stations and ferry terminals, quarter mile of a bus stop on a frequent bus line, or census tract close to job and educational opportunities. Around rail stations and ferry terminals, the bill also relaxes maximum height limits up to 45

or 55 feet—that is, a maximum of four and five stories—depending on the distance from transit. Job-rich areas and those serviced only by buses do not trigger height increases, but these areas will benefit from relaxed density and off-street parking requirements that encourage low-rise multifamily buildings like duplexes and fourplexes. SB 50 grants significant local control to individual jurisdictions over design review, labor and local hire requirements, conditional use permits, CEQA, local affordable housing and density bonus programs, and height limits outside of areas immediately adjacent to rail and ferry. This bill also requires an affordable housing component for all projects over ten units, and contains the strongest anti-displacement rules in state law, including an automatic ineligibility for any property currently or recently occupied by renters.”

- 2) *Housing near Transit.* Research has shown that encouraging more dense housing near transit serves not only as a means of increasing ridership of public transportation to reduce greenhouse gases (GHGs), but also a solution to our state’s housing crisis. As part of California’s overall strategy to combat climate change, the Legislature began the process of encouraging more transit oriented development with the passage of SB 375 (Steinberg, Chapter 728, Statutes of 2008). SB 375 is aimed at reducing the amount that people drive and associated GHGs by requiring the coordination of transportation, housing, and land use planning. The Legislature subsequently allocated 20% of the ongoing Cap and Trade Program funds to the Affordable Housing and Sustainable Communities Program, which funds land use, housing, transportation, and land preservation projects to support infill and compact development that reduce GHGs. At least half of the funds must support affordable housing projects.

The McKinsey Report found that increasing housing demand around high-frequency public transit stations could build 1.2 – 3 million units within a half-mile radius of transit. The report notes that this new development would have to be sensitive to the character of a place, and recommends that local communities proactively rezone station areas for higher residential density to pave the way for private investments, accelerate land-use approvals, and use bonds to finance station area infrastructure.

Research has also demonstrated a positive relationship between income and vehicle miles traveled (VMT). A study by the Center for Neighborhood Technology, entitled *Income, Location Efficiency, and VMT: Affordable housing as a Climate Strategy*, created a model to isolate the relationship of income on VMT. This model found that lower-income families living near transit were likely to drive less than their wealthier neighbors. More specifically, in metro regions, home to two-thirds of California’s population, identically composed and located low-income households were predicted to drive 10% less than the

median, very low-income households 25% less, and extremely low-income households 33% less. By contrast, middle income households were predicted to drive 5% more and above moderate-income households 14% more. The patterns are similar for the other two Regional Contexts, although the differences are slightly reduced in Rural Areas. This research demonstrates the value of encouraging lower-income people to live near transit who are more likely to increase transit ridership.

This bill incentivizes denser housing near transit by reducing zoning controls such as density, parking, height, and floor area ratios, as specified.

- 3) *Denser Housing in Single-Family Zoning*. California's high—and rising—land costs necessitate dense housing construction for a project to be financially viable and for the housing to ultimately be affordable to lower-income households. Yet, recent trends in California show that new housing has not commensurately increased in density. In a 2016 analysis, the Legislative Analyst's Office (LAO) found that the housing density of a typical neighborhood in California's coastal metropolitan areas increased only by four percent during the 2000s. In addition, the pattern of development in California has changed in ways that limit new housing opportunities. A 2016 analysis by BuildZoom found that new development has shifted from moderate but widespread density to pockets of high-density housing near downtown cores surrounded by vast swaths of low-density single-family housing. Specifically, construction of moderately-dense housing (2 to 49 units) in California peaked in the 1960s and 1970s and has slowed in recent decades.

Stricter land use controls are also associated with greater displacement and segregation along both income and racial lines. Past practices such as redlining, which led to the racial and economic segregation of communities in the 1930s, have shown the negative effects that these practices can have on communities. The federal National Housing Act of 1934 was enacted to make housing and mortgages more affordable and to stop bank foreclosures during the Great Depression. These loans were distributed in a manner to purposefully exclude “high risk” neighborhoods composed of minority groups. This practice led to underdevelopment and lack of progress in these segregated communities while neighborhoods surrounding them flourished due to increased development and investment. People living in these redlined communities had unequal access to quality, crucial resources such as health and schools. These redlined communities experience higher minority and poverty rates today and are experiencing gentrification and displacement at a higher rate than other neighborhoods. Today, exclusionary zoning can lead to “unintended” segregation of low-income and minority groups, which creates unequal

opportunities for Californians of color. Both the LAO and an analysis by the Institute of Governmental Studies (IGS) at the University of California, Berkeley indicate that building new housing would reduce the likelihood that residents would be displaced in future decades.

The UC Berkeley Turner Center conducted a residential land use survey in California from August 2017 to October 2018. The survey found that most jurisdictions devote the majority of their land to single family zoning and in two-thirds of jurisdictions, multifamily housing is allowed on less than 25% of land. Some jurisdictions in the US have taken steps to increase density in single-family zones. For example, Minneapolis will become the first major U.S. city to end single-family home zoning; in December, the City Council passed a comprehensive plan to permit three-family homes in the city's residential neighborhoods, abolish parking minimums for all new construction, and allow high-density buildings along transit corridors. According to the 2016 McKinsey Report, California has the capacity to build between 341,000 and 793,000 new units by adding units to existing single-family homes.

In an effort to encourage denser housing everywhere, and in particular, in traditionally exclusionary jurisdictions, this bill seeks to incentivize denser housing development in "jobs-rich areas" by reducing density and parking, and granting developments up to three concessions and incentives consistent with density bonus law. This is similar mapping exercise to a process that the California Tax Credit Allocation Committee (TCAC) in the State Treasurer's Office underwent to encourage low-income housing developments in high opportunity areas, with the goal of encouraging more inclusive communities in California. TCAC and HCD convened a group of independent organizations and researchers called the California Fair Housing Taskforce (Taskforce). The Taskforce released a detailed opportunity mapping methodology document that identifies specific policy goals and purposes, as well as detailed indicators to identify areas that further the policy goals and purposes. This bill specifies that HCD, in consultation with OPR, is responsible for creating maps that identify which tracts meet the requirements in this bill. As written, the definition of "jobs-rich area" is not entirely clear. Moving forward, the author may wish to modify the requirements for a "jobs-rich area" to provide more clarity to HCD and OPR.

- 4) *Density bonus law (DBL)*. Given California's high land and construction costs for housing, it is extremely difficult for the private market to provide housing units that are affordable to low- and even moderate-income households. Public subsidy is often required to fill the financial gap on affordable units. DBL allows public entities to reduce or even eliminate subsidies for a particular project by

allowing a developer to include more total units in a project than would otherwise be allowed by the local zoning ordinance in exchange for affordable units.

Allowing more total units permits the developer to spread the cost of the affordable units more broadly over the market-rate units. The idea of DBL is to cover at least some of the financing gap of affordable housing with regulatory incentives, rather than additional subsidy.

Under existing law, if a developer proposes to construct a housing development with a specified percentage of affordable units, the city or county must provide all of the following benefits: a density bonus; incentives or concessions (hereafter referred to as incentives); waiver of any development standards that prevent the developer from utilizing the density bonus or incentives; and reduced parking standards.

To qualify for benefits under density bonus law, a proposed housing development must contain a minimum percentage of affordable housing (*see* the “Existing Law” section). If one of these five options is met, a developer is entitled to a base increase in density for the project as a whole (referred to as a density bonus) and one regulatory incentive. Under density bonus law, a market rate developer gets density increases on a sliding scale based on the percentage of affordable housing included in the project. At the low end, a developer receives 20% additional density for 5% very low-income units and 20% density for 10% low-income units. The maximum additional density permitted is 35% (in exchange for 11% very low-income units and 20% low-income units). The developer also negotiates additional incentives and concessions, reduced parking, and design standard waivers with the local government. This helps developers reduce costs while enabling a local government to determine what changes make the most sense for that site and community.

This bill provides similar zoning reductions as density bonus law. Unlike density bonus law, which grants more zoning reductions and waivers with increased percentages of affordable housing, this bill encourages the construction of more housing across the state, generally. This bill provides that in areas that are “jobs-rich” – the goal of which is to increase housing in traditionally “high opportunity areas” – a specified project is not subject to density controls, parking, and may receive up to three concessions and incentives under DBL. Housing projects near transit, as specified, receive additional benefits of having minimum height requirements and minimum floor area ratios. Under the requirements of this bill, affordable housing requirements depend on the size of the project and increase with the number of units in a housing project.

A development proponent, particularly near transit, will likely enjoy greater benefits under the provisions of this bill than those received under DBL. For example, the greatest density a housing project enjoys under DBL is 35%; this bill removes density requirements, so while increased density will vary for each individual site, it is not limited. Under DBL, only projects containing 100% affordable units enjoy parking minimums less than 1 space per bedroom, while pursuant to this bill, no projects are required to have more than .5 spaces per unit. Additionally, under both DBL and this bill, a developer may receive three concessions and incentives only if at least 30% of the units are affordable to lower income households. Under this bill, projects near transit enjoy minimum height requirements and floor area ratios, while under DBL, a developer would need to use its concessions and incentives or waivers to negotiate reductions of those types of requirements.

The author's stated goal is to enable a developer to access the benefits of DBL as well as those provided under this bill. In fact, this bill states that the incentive granted under this bill shall not be used to "undermine the economic feasibility of delivering low-income housing under the state density bonus program...". Moving forward, the author is evaluating how the two programs may work more closely in concert with one another.

- 5) *Sensitive Communities*. According to the author, many communities, particularly communities of color and those with high concentrations of poverty, have been disempowered from the community planning process. In order to provide more flexibility to disenfranchised communities, the bill contains a delay for sensitive communities, as defined, until July 1, 2020, as well as a process for these communities to identify their own plans to encourage multifamily housing development at a range of income levels to meet unmet needs, protect vulnerable residents from displacement, and address other locally identified priorities. Moving forward, the author may wish to provide more clarity as to what factors will guide HCD in determining what qualifies as a sensitive community.
- 6) *SB 827 (Wiener, 2018)*. This bill is similar to SB 827, which created an incentive for housing developers to build denser housing near transit by exempting developments from certain low-density requirements, including maximum controls on residential density, maximum controls on FAR, as specified, minimum parking requirements, and maximum building height limits, as specified. A developer could choose to use the benefits provided in that bill if it met certain requirements.

This bill is different from SB 827 in several ways. First, unlike SB 827, this bill is not limited in application to proximity near transit; this bill provides reduced

zoning requirements for specified projects in “jobs-rich areas” that are traditionally “high-opportunity” and will result in more housing across the state. With regards to the inclusion of units affordable to lower income households, SB 827 contained an inclusionary housing scheme that only applied to additional units granted by that bill, not the number of units in the base zoning. This bill provides that projects with 11-19 units may pay an in-lieu fee for affordable housing, if feasible, and requires projects with 21 or more units to contain units affordable to lower-income households or pay an in lieu fee. This bill also increases demolition protections for sites that have previously housed tenants and removes complex “Right to Return” provisions that could have proved difficult to enforce. Specifically, this bill prohibits an eligible site from containing housing occupied by tenants within the seven years preceding the date of the application and parcels on which an owner of has taken their rentals properties off the market for rent or lease within 15 years prior to the date the development proponent submits an application. This bill also creates a delayed implementation for sensitive communities, as defined, and permits them to come up with a community plan that may include zoning and other policies to encourage multifamily development at varying income levels and protect vulnerable residents from displacement.

- 7) *SB 4 (McGuire) vs. SB 50 (Wiener)*. This bill is similar in nature to SB 4 (McGuire), which will also be heard today. Both bills encourage denser housing near transit by relaxing density, height, parking, and FAR requirements, but also differ in several ways. SB 4 only applies in jurisdictions that have built fewer homes in the last 10 years than jobs and have unmet housing needs, whereas this bill does not have threshold requirements. Also, the zoning benefits in this bill also extend to projects in proximity to high quality bus corridors. While both bills only apply to parcels in residential zones, SB 4 only applies to infill sites and is not permitted in specified areas. Both bills also relate to areas not tied to transit; SB 4 allows for duplexes on vacant parcels that allow a residential use in cities less than 50,000 and fourplexes in cities greater than 50,000. This bill does not limit density, however it is limited to areas designated as “jobs-rich” by HCD and OPR. Lastly, SB 4 also provides a streamlined approval process.

Here is a comparison of the SB 4 and SB 50 benefits for projects near transit:

	SB 4 TOD	SB 50 Transit-Rich
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Density	- Metro areas: min. 30 units/acre - Suburban: min. 20 units per acre	No limit
Parking	- Cities <100,000 and 1/4-1/2 mile from transit: DBL (spaces/BR or .5 spaces/unit if 100% affordable) - Cities >100,000 and 0-1/4 mile from transit: no parking	No parking
Concessions and Incentives	No	- 1 C/I: Projects with 10% LI or 5% VLI - 2 C/I: Projects with 20% LI or 10% VLI - 3 C/I: Projects with 30% LI or 15% VLI
Waivers or Reductions of Dev't Standards	Existing design review applies	Must comply with all relevant standards, including architectural design
Height	One story over allowable height	No less than 45' or 55' (depending on proximity to transportation)
FAR	.6 times the number of stories	No less than 2.5 or 3.25 (depending on proximity to transit)
Streamlining	Ministerial Review	No new streamlined approvals, but may qualify under existing law (SB 35)
Reduced Fees	No	No

Here is a comparison of the SB 4 and SB 50 benefits for a “jobs-rich” and “neighborhood multifamily project” incentive:

	SB 4 Duplexes & Fourplexes	SB 50 Jobs-Rich
Density	- Urban Cities (<50,000): 2 units - Non-Urban (>50,000): 4 units	No limit
Parking	.5 spaces per unit	.5 spaces per unit
Concessions and Incentives	No	- 1 C/I: Projects with 10% LI or 5% VLI - 2 C/I: Projects with 20% LI or 10% VLI - 3 C/I: Projects with 30% LI or 15% VLI
Waivers or Reductions of Dev't Standards	Existing design review applies	Must comply with all relevant standards, including architectural design
Height	Meet existing zoning requirements	None (<i>can use one of the C/I or W/R of design standards</i>)
FAR	Meet existing zoning requirements	None (<i>can use one of the C/I or W/R of design standards</i>)
Streamlining	Ministerial Review	No new streamlined approvals, but may qualify under existing law (SB 35)
Reduced Fees	- Not a new residential use, except connection for service fees - No more than \$3,000 in school fees	No

9) *Support.* Those supporting this bill state that it will help build hundreds of thousands of new homes and ensure that a significant percentage will be affordable to lower-income households. The sponsors state that this bill will correct for decades of under-producing housing and perpetuating exclusionary housing policies, and will ensure housing is built in high-opportunity areas. Sponsors also state that this bill preserves the voices of long-time residents by

allowing sensitive communities to engage in their own planning process and includes strong anti-displacement protections.

- 10) *Letters Expressing Concern But Not Opposition.* Some organizations have expressed concern, but not opposition, relating to affordable housing, protections for sensitive communities, and the preservation of local affordable housing policies and plans. These concerns are raised by the following: Alliance for Community Trust – Los Angeles, California Environmental Justice Alliance, California Rural Legal Assistance Foundation, Chinatown Community Development, Central Coast Alliance United for a Sustainable Economy, East Bay Housing Organizations, East LA Community Corporation, Housing California, Koreatown Immigrant Workers Alliance, Leadership Counsel for Justice and Accountability, Legal Services for Prisoners with Children, Little Tokyo Service Center, Los Angeles Black Worker Center, LA Forward, Move LA, Orange County Communities Organized for Responsible Development, Organize Sacramento, People for Mobility Justice, Physicians for Social Responsibility – Los Angeles, Policy Link, Public Advocates, Public Counsel, Public Interest Law Project, Rural Community Assistance Corporation, Strategic Actions for a Just Economy, Social Justice Learning Institute, Southern California Association of Non-Profit Housing, Southeast Asian Community Alliance, St. John’s Well Child & Family Center, Thai Community Development Center, T.R.U.S.T. SouthLA, Venice Community Housing, and Western Center on Law and Poverty. These organizations are engaging in ongoing conversations with the author’s office to address their concerns as the bill moves through the legislative process.
- 11) *Opposition.* Cities, neighborhood associations, and homeowners groups are opposed to this bill for overriding local planning and decision-making and enacting a “one-size-fits-all” approach to solving the housing crisis. Some state that increased state involvement in local decisions could lead to increased opposition to housing. Others raise questions about how areas subject to the equitable communities incentives will be identified and are concerned about the negative impacts of denser housing to surrounding areas. The AIDS Healthcare Foundation asserts that this bill will give a free pass to developers in specified areas and does not require enough affordable housing in return. Instead, the state and developers should be focused on collaborating with local governments.
- 12) *Double-referral.* This bill is double-referred to the Governance and Finance Committee.

RELATED LEGISLATION:

SB 4 (McGuire, 2019) — creates a streamlined approval process for eligible projects within ½ mile of fixed rail or ferry terminals in cities of 50,000 residents or more in smaller counties and in all urban areas in counties with over a million residents. It also allows creates a streamlined approval process for duplexes and fourplexes, as specified, in residential areas on vacant, infill parcels. *This bill will also be heard today by this committee.*

SB 827 (Wiener, 2018) — would have created an incentive for housing developers to build near transit by exempting developments from certain low-density requirements, including maximum controls on residential density, maximum controls on FAR, as specified, minimum parking requirements, , and maximum building height limits, as specified. A developer could choose to use the benefits provided in that bill if it meets certain requirements. *This bill failed passage in the Senate Transportation and Housing Committee.*

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

POSITIONS: (Communicated to the committee before noon on Wednesday, March 27, 2019.)

SUPPORT

California Association Of Realtors (Co-Sponsor)

California YIMBY (Co-Sponsor)

Non-Profit Housing Association Of Northern California (Co-Sponsor)

6Beds, Inc.

American Association Of Retired Persons

Associated Students Of The University Of California

Associated Students Of University Of California, Irvine

Bay Area Council

Black American Political Association of California

Bridge Housing Corporation

Building Industry Association Of The Bay Area

Burbank Housing Development Corporation

CalAsian Chamber Of Commerce

California Apartment Association

California Building Industry Association

California Chamber Of Commerce

California Community Builders

California Downtown Association

California Foundation For Independent Living Centers

California Housing Alliance

California Labor Federation, AFL-CIO
California League Of Conservation Voters
California Renters Legal Advocacy And Education Fund
California Public Interest Research Group
Circulate San Diego
Council Of Infill Builders
Eah Housing
East Bay For Every One
Environment California
Facebook, Inc.
Fair Housing Advocates Of Northern California
Fieldstead And Company, Inc.
First Community Housing
Fossil Free California
Habitat For Humanity California
Homeless Services Center
House Sacramento
Housing Leadership Council Of San Mateo County
Indivisible Sacramento
Los Angeles Business Council
Monterey Peninsula YIMBY
Natural Resources Defense Council
New Way Homes
Nextgen Marin
North Bay Leadership Council
Orange County Business Council
People For Housing - Orange County
Related California
San Francisco Bay Area Rapid Transit District
San Jose Associated Students
Santa Cruz County Business Council
Santa Cruz YIMBY
Silicon Valley At Home
Silicon Valley Community Foundation
Silicon Valley Leadership Group
Silicon Valley Young Democrats
Spur
State Building & Construction Trades Council Of California
State Council On Developmental Disabilities
Technology Network
TMG Partners
University Of California Student Association

Up For Growth National Coalition
Valley Industry And Commerce Association
YIMBY Democrats Of San Diego County
1198 Individuals

OPPOSITION

AIDS Healthcare Foundation
American Planning Association, California Chapter
Beverly Hills; City Of
Chino Hills; City Of
Coalition For San Francisco Neighborhoods
Coalition To Preserve La
Cow Hollow Association
Dolores Heights Improvement Club
Glendora; City Of
Homeowners Of Encino
Lakewood; City Of
League Of California Cities
Livable California
Miraloma Park Improvement Club
Mission Economic Development Agency
Pasadena; City Of
Rancho Palos Verdes; City Of
Redondo Beach; City Of
Santa Clarita; City Of
Sherman Oaks Homeowners Association
South Bay Cities Council Of Governments
Sunnyvale; City Of
Sutro Avenue Block Club/Leimert Park
Telegraph Hill Dwellers
Toluca Lake Homeowners Association
West Mar Vista Residents Association
5 Individuals

-- END --

Carroll, John (BOS)

From: Wright, Edward (BOS)
Sent: Tuesday, April 02, 2019 11:01 AM
To: BOS-Legislative Aides
Cc: Calvillo, Angela (BOS); Carroll, John (BOS); Starr, Aaron (CPC); Fewer, Sandra (BOS); Stefani, Catherine (BOS); Peskin, Aaron (BOS); Brown, Vallie (BOS); Haney, Matt (BOS); Yee, Norman (BOS); Mandelman, Rafael (BOS); Ronen, Hillary; Walton, Shamann (BOS); Safai, Ahsha (BOS); Mar, Gordon (BOS)
Subject: Letter from Supervisor Mar re: SB 50
Attachments: Supervisor Mar Letter re SB 50.pdf
Categories: 190319, 2019.04.04 - GAO

Colleagues,

Attached is a letter from Supervisor Gordon Mar in regards to SB 50 and our resolution opposed to it, File No. 190319, written in response to State Senator Wiener's letter from Monday, March 25th.

Feel free to let me know if you have any questions.

Thank you,

Edward Wright
Legislative Aide to Supervisor Gordon Mar
(415) 554-7464

Member, Board of Supervisors
District 4



City and County of San Francisco

GORDON MAR
馬兆明

April 2, 2019

The Honorable Scott Wiener
Senator, Eleventh District
State Capitol, Room 5100
Sacramento, CA 95814

Re: Response to Your Letter Regarding Board Resolution on SB 50

Dear Senator Wiener:

I write in response to your March 25th letter, charging that our resolution regarding SB50 is based upon "factual inaccuracies," and that if adopted, "San Francisco would be aligning itself with some of the wealthiest and most housing-resistant communities in California." While we may disagree on values and approaches, disagreement does not render our positions inaccurate, and I urge you to review our rebuttals at the end of the letter.

I object to the false choice you present that if the Board of Supervisors does not support SB 50's version of growth, then we must be "anti-growth" or "housing-resistant." I support increasing housing density near public transit and increasing equity and opportunity through thoughtful development. I support building more affordable housing throughout the city, along with a majority of the Board of Supervisors. I support reducing sprawl through opportunities for all types of workers to live closer to their jobs. I support higher and denser housing development -- and I believe more than 74% of San Franciscans agree with both of us on this subject. The disagreement is how we reach that goal.

Considering you are quickly advancing the bill while still needing to "flesh out the details," and considering the bill's significant impact on San Francisco, the Board of Supervisors has a responsibility to evaluate the proposal and publicly express our concerns to the state legislature, based on the best data available to us today.

Although you claim SB 50 will end inequitable development patterns, efforts to map SB 50's impacts show that most of the incentives to redevelop our region are concentrated in some of

the most racially diverse and urban cities, including San Francisco. These and other efforts to map the impact of SB 50 further support the need to reconsider the present version of the bill and make additional amendments.

Yet your response seems to assert that SB 50 is the only path to grow more housing and protect the environment. The present resolution proposes instead a more inclusive approach involving state government, local governments and communities: amendments that include a full and community-defined exemption for sensitive communities, a pathway for impacted cities like San Francisco to plan for increasing density that guarantees housing affordability, and reforms to state laws that prevent local communities from adopting stronger rent and demolition controls. I also wrote an Op-Ed for the San Francisco Chronicle, published today, further explaining my concerns with the approach SB 50 takes, and how I think San Francisco can and should better address our housing affordability crisis.

While we may disagree on these approaches, I hope our dialogue can continue in good faith. What were described by your letter as inaccuracies were in fact inaccurate representations of the language of our resolution. As always, I'm happy to work with you and community advocates to ensure the work we're doing and the legislation we're advancing meets the needs of our constituents, and I look forward to continuing a productive and substantive conversation about these issues. I hope we can work with your office on such amendments, many of which are offered in our responses below to your specific objections to the resolution.

Sincerely,

A handwritten signature in black ink that reads "Gordon Mar". The signature is written in a cursive, slightly slanted style.

Supervisor Gordon Mar

ADDENDUM:

Responses to claims of inaccuracies

1. *Your resolution falsely states that SB 50 will “undermine community participation in planning” and “result in significantly less public review.”*

We disagree over what constitutes community participation and public review. Our definition is broader than the “approval process for individual projects,” and includes the planning process itself. San Francisco has a successful history of community-driven area plans for broad zoning changes to add density while capturing more value from private developers. SB 50 undermines communities with area plans and institutes state mandates in communities that have yet to create area plans for increased density.

Our definition is broader than formal rights, such as the right to review project designs, and includes the power conferred by those rights. SB 50 takes away the power of the public and public testimony by giving developers benefits by right of the state. Public review is undermined when people can no longer weigh in at a hearing on a developer’s Conditional Use Application to increase heights over zoning. Public review is undermined when the Planning Commission no longer has leverage to demand community benefits (e.g. retaining neighborhood businesses and deeply affordable housing) in exchange for waivers, and can’t be moved by public testimony.

2. *Your resolution falsely states that SB 50 will undermine the “well being of the environment.”*

The facts support our statement. Research shows gentrification and displacement of working class and lower income communities results in more cars, more vehicle miles traveled, and greater resource consumption. As one report concluded: “Higher Income households drive more than twice as many miles and own more than twice as many vehicles as Extremely Low-Income households living within 1/4 mile of frequent transit.”¹

Because SB 50 produces many more market rate luxury housing relative to affordable units the bill risks gentrifying even more of San Francisco, shifting the burden of longer commutes on those displaced. In order to fulfill its claims of environmental sustainability, SB 50 must be amended to guarantee more truly affordable housing and prevent the gentrification that is pricing out existing residents who rely on transit for jobs, services, and schools in San Francisco.

¹ California Housing Partnership Corporation and Transform, “Why Creating and Preserving Affordable Homes Near Transit is a Highly Effective Climate Protection Strategy,” (2014).

3. *Your resolution falsely states that SB 50 will “prevent the public from recapturing an equitable portion of the economic benefits conferred to private interests”.*

SB 50 will confer immense value overnight on thousands of acres of real estate across the state, without an opportunity for cities to recapture the economic benefits ahead of this. The bill makes recapturing the economic benefits even more difficult, because cities can no longer use the Conditional Use process to impose additional requirements on developers, such as requiring family-sized units unit or deeply affordable housing, in exchange for benefits SB 50 would give developers by right.

We agree San Francisco could strengthen inclusionary requirements and fees, but existing state laws create loopholes and limitations on local inclusionary housing requirements. For example, the state density bonus exempts developers from local inclusionary standards on additional market rate housing built by the bonus.

SB 50 needs to be amended to close this loophole and allow local communities an opportunity to recapture the economic benefits for the public benefit, ahead of zoning changes that creates value on the land.

4. *Your resolution falsely states that SB 50 restricts the city’s ability to adopt policies to ensure “equitable and affordable development” in sensitive communities.*

“SB 50 contains a 5-year delayed implementation for “sensitive communities,” which are defined as communities with significant low income populations and risk of displacement. We are working with tenant advocates to flesh out details of this provision. This 5-year delay will give communities the opportunity to engage in local anti-displacement planning.”

Mandating a deferment timeline for local planning and imposing a definition of “sensitive communities” restricts our ability to adopt policies not only for equitable and affordable development, but policies to protect vulnerable residents and provide long term stability.

More importantly, SB 50 restricts the ability for communities to define their own needs. For example, 75% of the Mission District experiencing high levels of gentrification as reported by residents (and confirmed by the UC Berkeley Urban Displacement Project) are not defined as “sensitive” in your bill. Communities at risk of displacement also need to be empowered to set standards different than those imposed by SB 50, not receive a deferment.

SB 50 needs to pause on moving forward until adequate anti-displacement policies are put in place, and that begins and ends with listening to communities on the ground.

5. *Your resolution falsely states that SB 50 does not allow San Francisco to ensure “a meaningful net increase in affordable housing.”*

This mischaracterizes the language of the resolution. To clarify, the resolution states: “SB 50...undermines sound public policy that requires any substantial value created by density increases or other upzoning be used, at least in part, to provide a meaningful net increase in affordable housing.”

While we may disagree, a “meaningful net increase in affordable housing” means demanding more for affordable housing whenever we give for-profit developers economic benefits to create more market-rate housing, whether it is from the state or city. SB 50 could be amended to reflect this principle.

6. *Your resolution falsely states that SB 50 does not protect against demolitions and does not allow San Francisco to protect against demolitions.*

This mischaracterizes the language of the resolution. The resolution states: “While SB 50’s provisions standing alone may appear to preserve local demolition controls and other local planning processes, without further clarifying amendments the combination of SB 50’s development incentives with other state laws undermine the ability of local governments to protect existing housing and small businesses.”

To clarify, we don’t think SB 50 itself prevents the city from controlling demolitions, rather, it’s the expanded application of *other* state laws that will override local demolition controls and restrict our ability to strengthen them. For example, the SF Planning Department raised concerns that SB 50 could increase the number of development proposals where the Housing Accountability Act would apply, increasing demolitions of existing buildings to redevelop into higher density properties.² Furthermore, SB 50 increases the economic incentives for developers to demolish existing sound housing and small businesses.

SB 50 does not adequately provide demolition protections of all buildings where tenants have lived because the state and cities have inadequate data on tenant occupancy. SB 50 should be amended to ensure that we can actually enforce building demolition controls on buildings with previous tenants or have had an Ellis Act eviction before SB 50 is applied.

² See Planning Department Staff Memorandum on SB 50, pp. 13-14.

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TEL (916) 651-5100
FAX (916) 651-4911

DISTRICT OFFICE
455 GOLDEN GATE AVENUE
SUITE 14800
SAN FRANCISCO, CA 94102
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SENATOR.WIENER@SENATE.CA.GOV

California State Senate

SENATOR
SCOTT WIENER

威善高

ELEVENTH SENATE DISTRICT

COMMITTEES
HOUSING
CHAIR
ENERGY, UTILITIES
& COMMUNICATIONS
GOVERNANCE AND FINANCE
GOVERNMENTAL ORGANIZATION
HUMAN SERVICES
PUBLIC SAFETY
JOINT LEGISLATIVE
AUDIT COMMITTEE
JOINT RULES COMMITTEE

March 25, 2019



The Honorable Gordon Mar
Member, Board of Supervisors
San Francisco City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Re: Your Proposed Resolution Opposing Senate Bill 50

Dear Supervisor Mar:

I hope this letter finds you well. I write regarding a resolution you introduced on March 18 to oppose a bill I am authoring, Senate Bill 50. A recent poll of San Francisco voters showed 74% support for SB 50, with the highest level of support coming from your district. SB 50 will expand all forms of housing in San Francisco, including affordable housing. It will legalize affordable housing in your district. (Affordable housing is currently illegal in a large majority of your district due to widespread single-family home zoning.) It will reduce sprawl and carbon emissions. And, it will ensure that **all** cities, including wealthy cities, help solve our housing crisis.

If the Board of Supervisors were to adopt your resolution and oppose SB 50, San Francisco would be aligning itself with some of the wealthiest and most housing-resistant communities in California. For example, some of the most vocal critics of the bill are the anti-growth Mayors of Palo Alto, Beverly Hills, and Los Altos, as well as anti-growth advocates in Cupertino and Marin County.

In addition, while I respect anyone's right to have whatever opinion they want about my bills, I do ask that people not mischaracterize those bills. Unfortunately, your resolution contains significant factual inaccuracies about SB 50, as described later in this letter.

Why SB 50 and What the Bill Does

The purpose of SB 50 is to address one of the root causes of California's housing crisis: hyper-low-density zoning near jobs and transit, in other words, cities banning apartment buildings and affordable housing near jobs and transit. This restrictive and exclusionary zoning was originally created one hundred years ago to keep people of color and low income people out of white neighborhoods, and it is currently exacerbating racial and income segregation.

Bans on apartment buildings and affordable housing in huge swaths of California — i.e., zoning that bans all housing other than single-family homes — have fueled our state's housing affordability crisis, helped generate California's 3.5 million home deficit (a deficit equal to the combined deficits of the other 49

states), made a large part of California and San Francisco off-limits to affordable housing, and directly led to sprawl development since it is illegal to build enough housing near jobs and transit.

Hyper-low-density zoning in places like San Francisco also worsens climate change. It leads to sprawl development that covers up farmland and open space, pushes people into multi-hour commutes, clogs our freeways, and increases carbon emissions. By advocating against a bill like SB 50, your resolution is advocating for sprawl, for increased carbon emissions, and against equitable placement of affordable housing (for example, in your own district, which is extremely low density and thus has very little affordable housing). Your resolution advocates for the housing status quo, which has resulted in so many working class families being pushed out of San Francisco.

SB 50 gets to the heart of this zoning problem by allowing increased density near quality public transportation and in job centers. SB 50 will allow more people to live near transit and close to where they work. It will help alleviate California's housing crisis by creating more housing and legalizing affordable housing where it is currently illegal.

Over the past year and a half, we have engaged in intensive stakeholder outreach with cities (including San Francisco), tenant advocates, environmentalists, neighborhoods groups, and others, in an effort to fine-tune the bill and respond to constructive feedback. For example, we changed the bill so that, overwhelmingly, it respects local height limits and setbacks. And where the bill does require 45- and 55-foot heights (near rail and ferry stops), it will barely affect San Francisco building heights, since in the overwhelming majority of our residential neighborhoods, the height limit is already 40 feet. In other words, in San Francisco, SB 50 will result in either no height increase or a one-story increase.

SB 50 also defers to local inclusionary housing requirements, unless those requirements fall below a minimum standard, in which case the bill imposes a baseline inclusionary percentage. The bill thus extends inclusionary housing requirements to many cities that do not currently have them. SB 50 respects local demolition restrictions, with the exception that it creates a statewide blanket demolition ban on buildings where a tenant has lived in the past 7 years or where an Ellis Act eviction has occurred in the past 15 years. These are the strongest such tenant protections ever created under California law. It also defers to local design standards and local setback rules. Of significance, SB 50 does not change the local approval process. If a conditional use, CEQA review, discretionary review, or other process is currently required under San Francisco law, SB 50 will not change that process.

Because of SB 50's benefits for housing affordability and the environment, a broad coalition of labor, environmental, affordable housing, senior, and student organizations are supporting the bill, including the California Building and Construction Trades Council, the Nonprofit Housing Association of Northern California, the California League of Conservation Voters, Habitat for Humanity, AARP, the University of California Student Association, and various local elected officials, including Mayors London Breed, Michael Tubbs, Libby Schaaf, Sam Liccardo, and Darrell Steinberg.

Benefits of SB 50 for San Francisco

What SB *will* change in San Francisco is (1) ending the inequitable development patterns we currently see in our city, (2) legalizing affordable housing throughout the city, not just in a few neighborhoods, and (3) dramatically increasing the number of below market rate homes produced.

Because approximately 70% of San Francisco is zoned single-family or two-unit — in other words, all forms of housing other than single family and two units are banned — it is illegal to build even a small

apartment building or affordable housing project in the large majority of San Francisco, including in the lion's share of your own district. Dense housing is thus concentrated in just a few areas — Districts 3, 6, 9, and 10 — with only a few exceptions. Your opposition to SB 50 perpetuates this geographic inequity in San Francisco.

San Francisco will see a significant increase in affordable homes under SB 50. With more multi-unit zoning, parcels currently ineligible for 100% affordable projects (e.g., single-family-zoned parcels) will now be candidates for such projects, including in your district. In addition, legalizing more multi-unit buildings, as SB 50 does, will mean that many more projects will trigger San Francisco's inclusionary housing requirements and dramatically increase the number of below-market-rate units produced. Indeed, as noted by the San Francisco Planning Department in its analysis of SB 50: "SB 50 is likely to result in significantly greater housing production across all density-controlled districts, and thus would produce *more* affordable housing through the on-site inclusionary requirement."

Inaccuracies in Your Resolution

Your resolution contains a number of highly inaccurate statements about SB 50. If you are committed to bringing this resolution to a vote — despite all the benefits SB 50 can bring to San Francisco and California — I request that you at least correct these inaccuracies:

1. Your resolution falsely states that SB 50 will "undermine community participation in planning" and "result in significantly less public review."

As noted above, SB 50 does not in any way change the approval process for individual projects. Nor does it change the city's ability to adopt anti-displacement protections, demolition controls, inclusionary housing requirements, design standards, and so forth. The community is in no way removed from the planning process.

2. Your resolution falsely states that SB 50 will undermine the "well-being of the environment."

SB 50 has been described as an incredibly powerful tool against climate change, as it will allow more people to live near jobs and transit and avoid being "super-commuters." That is why various environmental groups are supporting it. What undermines the environment and our fight against climate change is low-density zoning in job/transit centers like San Francisco — low density zoning for which you appear to be advocating.

3. Your resolution falsely states that SB 50 will "prevent the public from recapturing an equitable portion of the economic benefits conferred to private interests."

As noted above, SB 50 does not override local inclusionary housing requirements. Nor does it override local impact fees, such as transportation, park, sewer, and other development fees. San Francisco will continue to have full latitude to recapture value from development. Indeed, San Francisco will collect significantly more impact fees, since these fees are usually based on the size of the building and SB 50 will allow larger buildings in terms of density.

4. Your resolution falsely states that SB 50 restricts the city's ability to adopt policies to ensure "equitable and affordable development" in sensitive communities.

SB 50 contains a 5-year delayed implementation for “sensitive communities,” which are defined as communities with significant low income populations and risk of displacement. We are working with tenant advocates to continue to flesh out the details of this provision. This 5-year delay will give communities the opportunity to engage in local anti-displacement planning.

You point to several San Francisco neighborhoods that are not entirely classified as sensitive communities, for example, the Mission, Chinatown, and SOMA. Please note that Chinatown, SOMA, the Tenderloin, and much of the Mission will be minimally impacted, if at all, by SB 50, because they are already zoned as densely or more densely than SB 50 requires. Indeed, this is exactly why SB 50 will increase equity. Historically, low income communities have disproportionately been zoned for density, while wealthier communities have not. Why should density be concentrated in low income communities? SB 50 seeks to break this inequitable status quo, which is why the bill is being aggressively attacked by the Mayors of Palo Alto, Beverly Hills, and Los Altos, and by anti-growth advocates in Cupertino and Marin County. Your resolution, by contrast, perpetuates that inequitable status quo.

5. Your resolution falsely states that SB 50 does not allow San Francisco to ensure “a meaningful net increase in affordable housing.”

As described above, the exact opposite is true: As confirmed by the San Francisco Planning Department, SB 50 will result in a significant increase in affordable housing, because far more parcels will be zoned for density and thus candidates for affordable housing (only densely zoned parcels can have affordable housing) and because more multi-unit projects mean more below market rate units under San Francisco’s inclusionary housing ordinance. Currently, affordable housing is illegal in 70% of San Francisco due to low density zoning. SB 50 changes that status quo, whereas your resolution perpetuates the status quo.

6. Your resolution falsely states that SB 50 does not protect against demolitions and does not allow San Francisco to protect against demolitions.

SB 50 maintains local demolition protections and increases those protections for buildings in which tenants have resided in the past 7 years or where an Ellis Act eviction has occurred in the past 15 years. Your resolution is simply wrong about this subject.

I hope you will reconsider your effort to oppose SB 50 or, at a minimum, correct the significant factual inaccuracies in your resolution. As always, I am available to discuss this or any other issue.

Sincerely,



Scott Wiener
Senator

cc: All Members of the Board of Supervisors
Clerk, Board of Supervisors
Mayor London Breed
San Francisco Planning Department

Carroll, John (BOS)

From: Patricia Heldman <sfshrinkpfh@aol.com>
Sent: Thursday, April 04, 2019 10:39 AM
To: Fewer, Sandra (BOS); Stefani, Catherine (BOS); Peskin, Aaron (BOS); Haney, Matt (BOS); Brown, Vallie (BOS); Mar, Gordon (BOS); Yee, Norman (BOS); Mandelman, Rafael (BOS); Ronen, Hillary; Walton, Shamann (BOS); Safai, Ahsha (BOS)
Cc: Carroll, John (BOS)
Subject: SB 50
Categories: 2019.04.04 - GAO, 190319

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisors,

I live in Noe Valley and I am writing to you in support of Supervisor Mar's resolution opposing SB 50. I am against SB 50 because upzoning further exacerbates speculative behavior that has fueled our affordability crisis. As a native San Franciscan, I am also alarmed because this type of development undermines the sense of community and livability that is so much a part of the San Francisco that I love. I urge you to vote in support of this resolution.

Thank you,

Patricia Heldman
3928-26th Street SF

Carroll, John (BOS)

From: robyn zach <romaeve73@gmail.com>
Sent: Thursday, April 04, 2019 10:34 AM
To: Carroll, John (BOS)
Subject: SB 50

Categories: 2019.04.04 - GAO, 190319

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisors,

I am a resident of the Richmond district and I am writing to express my deepest support for Supervisor Mar's resolution opposing SB 50. Upzoning the City will further exacerbate our affordability crisis leading to more tenant displacement and gentrification. Giving more bonuses to developers will increase real estate speculation and further exacerbate our affordability crisis. We don't need more luxury condos for the rich and famous, we need more affordable housing for the real people. I urge you to oppose SB 50 and vote in support of Supervisor Mar's resolution.

Thank you,

Robyn Zach

Carroll, John (BOS)

From: Board of Supervisors, (BOS)
Sent: Thursday, April 04, 2019 10:05 AM
To: BOS-Supervisors
Cc: Carroll, John (BOS)
Subject: 34 emails regarding SB 50
Attachments: 34 Letters.pdf

Categories: 2019.04.04 - GAO, 190319

Hello,

Please see the attached 34 letters regarding File No. 190319.

Thank you,

Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244 San Francisco, CA 94102
(415) 554-5184
(415) 554-5163 fax
Board.of.Supervisors@sfgov.org

Complete a Board of Supervisors Customer Service Satisfaction form by clicking
<http://www.sfbos.org/index.aspx?page=104>

-----Original Message-----

From: Anne Harvey <annetharvey@hotmail.com>
Sent: Wednesday, April 3, 2019 9:47 PM
To: Breed, Mayor London (MYR) <mayorlondonbreed@sfgov.org>; Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>; Brown, Vallie (BOS) <vallie.brown@sfgov.org>; Fewer, Sandra (BOS) <sandra.fewer@sfgov.org>; Haney, Matt (BOS) <matt.haney@sfgov.org>; MandelmanStaff, [BOS] <mandelmanstaff@sfgov.org>; Mar, Gordon (BOS) <gordon.mar@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; Walton, Shamann (BOS) <shamann.walton@sfgov.org>; Yee, Norman (BOS) <norman.yee@sfgov.org>; info@cowhollowassociation.org; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Cc: Hartmut Fischer <fischer@usfca.edu>; Eric Fischer <ericfischer.phd@gmail.com>
Subject: Oppose SB 50

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Mayor Breed and members of the San Francisco Board of Supervisors, I am writing to urge you to adopt a resolution opposing Senate Bill 50, which is being put forward by Senator Scott Weiner. It is beyond belief for me that he has authored this bill, given the fact that he is the elected senator for the city and county of San Francisco, and the bill would be devastating to this city. The entire city would be up zoned. A developer could come in and put high rises

whenever they want to. This was clearly shown by a map which Supervisor Peskin showed last year at a hearing for the predecessor bill. which as I recall was SB 827.

The bill is essentially a giveaway to big money interests and wealthy developers so that they can ride roughshod over the little people, people who care about rational plans, and putting together something that satisfies competing interests. You could forget about have urban planning or a planning department. they would have little to do. The developers could become very aggressive and just jam things down everyone's throat. The way the law would work is very heavy handed, and undemocratic. Rule from the top down. One should keep in mind the disasters that can happen when one has such top down. In San Francisco in recent memory, we have case of what happened to the Fillmore under federal redevelopment. There was wholesale demolition and displacement under the regime of Justin Hermann.

This bill would create a form of authoritarian rule. that is an anathema to a democracy. When the planning process works well in San Francisco, we have neighborhood input and guidelines. In my experience, neighbors are welcoming and when their voices are heard and listened to., the result is far superior.

High-rises are already causing substantial problems in San Francisco. One need look no farther than the Millennium Tower which stands downtown, and is slowly sinking and leaning, and appears to be leading to non-stop legal hassles.

SB 50 punishes San Francisco, and fails to recognize the work of the planning department in having rules and guidelines and then adding points for various public benefits. The flexibility to do such exchanges would be gone.

One thing I think we should recognize is the total area of San Francisco is not very large., and that it is rather unsocial to leave buildable lots empty, awaiting further appreciation in value. At the present time, I have noticed that there are many vacant lots on lombard Street which are essentially meadows, that could be developed as housing under current guidelines. Perhaps the city itself should do something to prod the owners into doing something with their vacant land. What I suggest is a special tax on idle land so that it is put to some use. I think that what is happening is that owner developers are holding off on building because of their expectation that if they delay, some form of Sen Weiner's bill will eventually be adopted, and their profits will increase dramatically. I suspect a cabal.

Sincerely yours, Anne Harvey

From: [Kristina Gedvila Young](#)
To: [Board of Supervisors, \(BOS\)](#)
Subject: Against SB-50
Date: Monday, April 1, 2019 8:50:55 AM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Please do not allow SB 50 to pass! Please help keep our wonderful city wonderful and do not jeopardize our skyline with tall towers.

I am absolutely opposed to SB 50.

Regards,
Kristina Young

From: :)
To: Peskin, Aaron (BOS); Mar, Gordon (BOS); Brown, Vallie (BOS)
Cc: Safai, Ahsha (BOS); Stefani, Catherine (BOS); Ronen, Hillary; Haney, Matt (BOS); Yee, Norman (BOS); Mandelman, Rafael (BOS); Fewer, Sandra (BOS); Walton, Shamann (BOS); Breed, Mayor London (MYR); Carroll, John (BOS); Board of Supervisors, (BOS)
Subject: CSFN Letter - Oppose SB-50
Date: Tuesday, April 2, 2019 11:34:25 AM
Attachments: CSFN-SB50 Oppose GAO Letter.pdf

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Honorable Supervisors Mar, Brown & Peskin of the Government Audit & Oversight Committee:

Please see attached letter previously sent to Planning Commission & the state legislators.

Thank you.

Sincerely,

/s

Rose Hillson

CSFN, Chair LUTC

As authorized by the CSFN General Assembly

From: :)
To: [Carroll, John \(BOS\)](#)
Cc: [Board of Supervisors, \(BOS\)](#); olhart120@gmail.com
Subject: FW: No on SB-50
Date: Tuesday, April 2, 2019 10:16:29 AM
Attachments: [JPIA SB-50 GAO Comm Ltr.pdf](#)

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Dear Mr. Carroll/Clerk to the Board of Supervisors Angela Calvillo/BOS:
For your official records is the earlier submitted text on JPIA letterhead.
Thank you.
Rose Hillson

From: Owen Hart <olhart120@gmail.com>
Date: April 1, 2019 at 8:25:00 PM PDT
To: Catherine.Stefani@sfgov.org, Vallie.Brown@sfgov.org,
Sandra.Fewer@sfgov.org, Matt.Haney@sfgov.org, MandelmanStaff@sfgov.org,
Gordon.Mar@sfgov.org, Aaron.Peskin@sfgov.org, Hillary.Ronen@sfgov.org,
Ahsha.Safai@sfgov.org, Shamann.Walton@sfgov.org, Norman.Yee@sfgov.org,
MayorLondonBreed@sfgov.org
Subject: No on SB-50

Jordan Park Improvement Association
120 Jordan Avenue, San Francisco, CA. 94118

April 1, 2019

Dear Elected Officials,

We are writing to express our strong opposition to State Senator Scott Wiener's proposed bill, SB-50. The proposed bill will: (i) lead to increased evictions because of its weak renter protections, as real estate owners sell their assets to developers seeking to take advantage of bill's proposed increased densities; (ii) Increase demolition of single family homes and low-rise multi-unit residential properties; (iii) Increase building heights (up to 75') in many predominantly residential neighborhoods, irreparably changing the character of neighborhoods; (iv) overburden S.F.'s already congested roads and public transportation systems; and (v) increase the density of the city's neighborhoods while reducing sunlight, parks, vegetation, parking and open space. The bill will likely result, not in the development of affordable housing, but in the development of more luxury condominiums as developers seek to maximize their profits. The bill's provisions will destroy the human scale of the city's neighborhoods, one of the attributes that makes the city a special place to live.

The bill also represents a subrogation of the city's, and its citizen's, rights to those

of the state. The bill indiscriminately robs our communities of the fundamental right of determining how we want our neighborhoods to look and the grow. It prescribes a “one size fit all” for density and building heights fostering the further “Manhattanization” of the city San Francisco. If it is supported by our elected representatives, it also represents an abrogation of their duties to San Francisco’s citizens and residents. Residential development to meet the housing needs of San Francisco requires a much more nuanced and subtle approach which respects the current urban fabric of all neighborhoods. SB-50 is a sledge hammer where a tack hammer is required.

Sincerely,

Owen L. Hart
President, Jordan Park Improvement Association

Coalition for San Francisco



www.csfm.net • PO Box 320098 • San Francisco CA 94132-0098 • 415.262.0440 • Est 1972

April 2, 2019

Honorable Supervisors Mar, Brown and Peskin
Board of Supervisors - Government, Audit and Oversight Committee
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

via email

Subject: Senate Bill 50 ("SB-50") <Wiener>
"Planning & Zoning: Housing Development: Equitable Communities Incentive"

The Coalition for San Francisco Neighborhoods (CSFN) opposes Senate Bill 50 ("SB-50") <Wiener>.

Concerns include the following:

1. SB-50 up-zones all parcels in San Francisco
2. SB-50 will result in the loss of residential areas
3. SB-50 will result in developers making zoning decisions (deregulates local zoning)
4. SB-50 does **not** create affordability:
 - a. No "trickle-down" effect
(Less housing will be built due costs for labor, land, materials, e.g.)
 - b. No "fee-out" for affordable housing
(Process creates entitlements to raise property values without certainty of buildings getting built.)

CSFN previously sent this letter to the San Francisco Planning Commission in February and to the state legislators in early March.

Thank you.

Sincerely,
/s
Rose Hillson
Chair, Land Use & Transportation Committee
As authorized by CSFN General Assembly

Cc: Mr. John Carroll, Clerk GA&O Committee; Board of Supervisors; Mayor Breed; Ms. A. Calvillo,
Clerk of the Board of Supervisors

Jordan Park Improvement Association

120 Jordan Avenue, San Francisco, CA. 94118

April 1, 2019

Dear Elected Officials,

We are writing to express our strong opposition to State Senator Scott Wiener's proposed bill, SB-50. The proposed bill will: (i) lead to increased evictions because of its weak renter protections, as real estate owners sell their assets to developers seeking to take advantage of bill's proposed increased densities; (ii) Increase demolition of single family homes and low-rise multi-unit residential properties; (iii) Increase building heights (up to 75') in many predominantly residential neighborhoods, irreparably changing the character of neighborhoods; (iv) overburden S.F.'s already congested roads and public transportation systems; and (v) increase the density of the city's neighborhoods while reducing sunlight, parks, vegetation, parking and open space. The bill will likely result, not in the development of affordable housing, but in the development of more luxury condominiums as developers seek to maximize their profits. The bill's provisions will destroy the human scale of the city's neighborhoods, one of the attributes that makes the city a special place to live.

The bill also represents a subrogation of the city's, and its citizen's, rights to those of the state. If it is supported by our elected representatives, it also represents an abrogation of their duties to San Francisco's citizens and residents. Residential development to meet the housing needs of San Francisco requires a much more nuanced and subtle approach which respects the current urban fabric of all neighborhoods. SB-50 is a sledge hammer where a tack hammer is required.

Sincerely,

Owen L. Hart

President, Jordan Park Improvement Association

From: [Gary Schnitzer](#)
To: [Board of Supervisors, \(BOS\)](#)
Subject: Fwd: Opposition to sb50
Date: Tuesday, April 2, 2019 8:25:27 AM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Sent from my iPhone

Begin forwarded message:

From: Gary Schnitzer <g.schnitzer@icloud.com>
Date: April 2, 2019 at 8:21:16 AM PDT
To: boardof.Supervisors@sfgov.org
Subject: Opposition to sb50

Dear supervisors, we are opposed to this bill as it undermines the quality of life in Sf with too many new residents, traffic, loss of views and crowding in a city that is already taxed by many problems including filthy streets , homeless, etc.

We should solve our existing big issues before we build grand high rise to accommodate more people.

The bloom is off the Rose with visitors and tourists complaints about Sf poor security filthy streets and sidewalks and bad traffic.

Let's address these important issues instead of trying to be New York City where none of us want to live.

Let's be better not bigger.

Gary and Sandra schnitzer
50 Normandie terrace

Sent from my iPhone

From: [Libby](#)
To: [Board of Supervisors, \(BOS\)](#)
Subject: I oppose Senate Bill 50
Date: Wednesday, April 3, 2019 2:59:20 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello,
Please lend my voice to those who oppose this bill which would destroy my neighborhood.
Thank you.
E. A. Baxter
526 Ashbury Street, #3
San Francisco, CA 94117

From: [Howie Newville](#)
To: [Board of Supervisors, \(BOS\)](#)
Subject: I support SB 50
Date: Monday, April 1, 2019 9:32:16 AM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello,

Over the weekend, I got this postcard on my doorknob telling me that I should write to you all opposing SB 50 from "Stand Up For San Francisco". So, I am writing you to tell you that I support SB 50. This NIMBY group appears to be more concerned about their views of San Francisco Bay than they are about the housing shortage we are experiencing in San Francisco.

I support SB 50, and any other measures designed to produce more affordable, high density housing in San Francisco.

Howard Newville
2409 Greenwich St, San Francisco, CA 94123

From: Jen Emerson
To: Board of Supervisors, (BOS)
Subject: Oppose SB 50 to save San Francisco!
Date: Monday, April 1, 2019 10:07:58 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisors,

San Francisco will be destroyed if the SB 50 legislation passes. San Francisco is one of the most beautiful cities on earth, and gets many tourists due to its unique character. If SB 50 passes, it will threaten what makes San Francisco special, it will exacerbate evictions, and income inequality, and destroy this treasure. Future generations will wonder how it was allowed to happen. We owe it to people who live in SF and the future generations to save this special place.

Please vote against this dangerous, damaging legislation which will primarily benefit developers and harm the citizens who live and love this city.

Thank you

Jen Emerson

From: sfpwarfield19@netscape.net
To: [Stefani, Catherine \(BOS\)](#); [Brown, Vallie \(BOS\)](#); [Fewer, Sandra \(BOS\)](#); [Haney, Matt \(BOS\)](#); [MandelmanStaff, \[BOS\]](#); [Mar, Gordon \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Ronen, Hillary](#); [Safai, Ahsha \(BOS\)](#); [Walton, Shamann \(BOS\)](#); [Yee, Norman \(BOS\)](#); [Breed, Mayor London \(MYR\)](#); info@cowhollowassociation.org; [Board of Supervisors, \(BOS\)](#)
Subject: Oppose SB 50
Date: Wednesday, April 3, 2019 8:41:26 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisors:

Please oppose SB50, another attempt by Scott Wiener to damage long-time residents and enrich real estate interests, overriding local controls.

HANC and others have provided additional specifics.

Thank you.

Peter Warfield

From: [Marianne Hesse](#)
To: [Stefani, Catherine \(BOS\)](#); [Brown, Vallie \(BOS\)](#); [Fewer, Sandra \(BOS\)](#); [Haney, Matt \(BOS\)](#); [MandelmanStaff, \[BOS\]](#); [Mar, Gordon \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Ronen, Hillary](#); [Safai, Ahsha \(BOS\)](#); [Walton, Shamann \(BOS\)](#); [Yee, Norman \(BOS\)](#); [Breed, Mayor London \(MYR\)](#); info@cowhollowassociation.org; [Board of Supervisors, \(BOS\)](#)
Subject: Oppose SB 50
Date: Wednesday, April 3, 2019 7:53:42 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

To Whom It May Concern:

Please oppose SB 50 in its entirety and do not amend it. It is a horrible, one size fits all approach that, with its increased height recommendations, shows absolutely no regard for all the things that makes San Francisco special and a worldwide destination for tourists. If implemented, it would be a travesty for the entire city, as well as for the individuals who continue to come in droves to appreciate our city's unique charm.

Sincerely,

Marianne Hesse
District 5

From: eric@elsewhere.onl
To: [Breed, Mayor London \(MYR\)](#); info@cowhollowassociation.org; [Board of Supervisors, \(BOS\)](#)
Subject: Oppose SB 50
Date: Wednesday, April 3, 2019 6:09:45 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

As a fellow Sanfransican, please oppose Senator Weiner's bill SB 50, which would up-zone almost the entirety of all the housing lots in San Francisco with particularly significant impacts for housing on the West Side (consisting of the Richmond, the Sunset and Parkmerced). Upzoning and preemptions for local controls would further exacerbate the rampant speculation that has already negatively impacted low-income and moderate-income tenants, immigrants, seniors and families that make up the renters on the West Side of San Francisco.

Thank you,
Eric

From: [Veronica Taisch](#)
To: [Brown, Vallie \(BOS\)](#); [Fewer, Sandra \(BOS\)](#); [Haney, Matt \(BOS\)](#); [MandelmanStaff, \[BOS\]](#); [Mar, Gordon \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Ronen, Hillary](#); [Safai, Ahsha \(BOS\)](#); [Walton, Shamann \(BOS\)](#); [Yee, Norman \(BOS\)](#); [Breed, Mayor London \(MYR\)](#); [Board of Supervisors, \(BOS\)](#)
Subject: Oppose SB 50
Date: Wednesday, April 3, 2019 3:39:52 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

To whom this may concern:

I have been a SF resident since 1994 as both a renter and a homeowner. I am strongly opposed to SB 50 for many reasons but particularly because I do not believe this bill will do what it is supposed to do: improve the housing crisis and help our residents. This "one size fit all" approach doesn't work and this bill will give carte blanche to developers who will ruin our neighborhoods and impact our already inadequate transit systems. There are plenty of unoccupied housing and vacant lots in San Francisco that are not being put to good use now. Giving developers the reigns, along with SFMTA who decides traffic patterns takes all control away from the owners and renters.

When those who just want to make money control the neighborhood, bad decisions are made.

I would like our representatives to come up with a plan that utilizes the resources that are already available more efficiently. I think this bill doesn't lay out an effective plan and has no checks and balances. I agree that something needs to be done but SB 50 is not the answer.

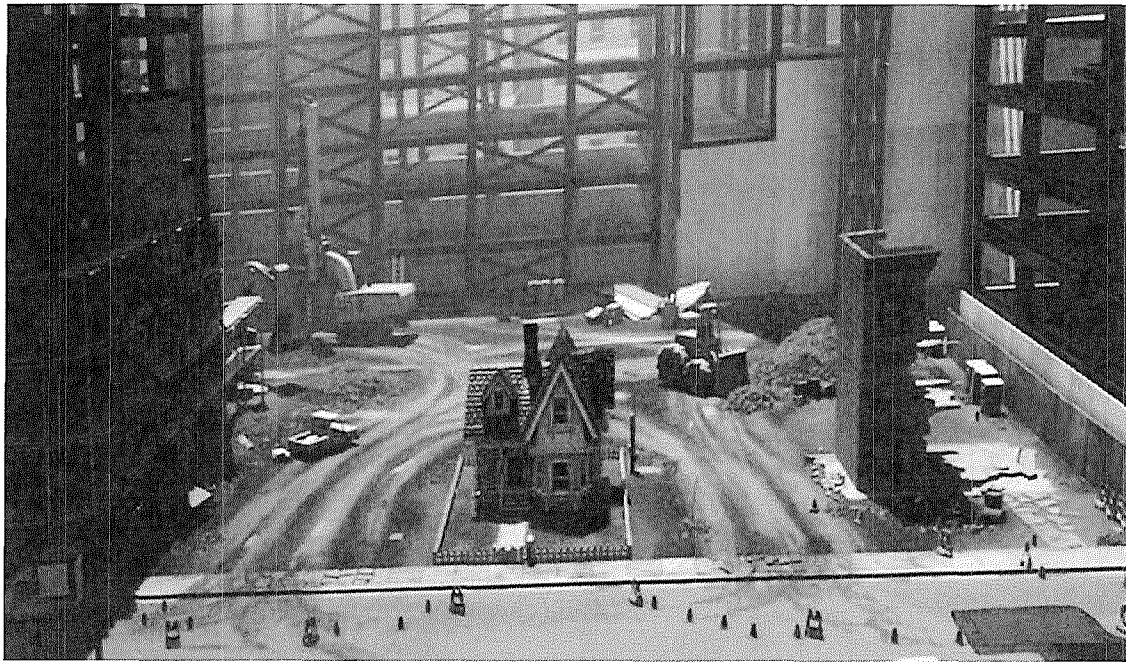
Thanks,
Veronica Taisch
District 2 voter
Pierce St
SF Ca 94123

From: [Collin Burdick](#)
To: [Stefani, Catherine \(BOS\)](#); [Brown, Vallie \(BOS\)](#); [Fewer, Sandra \(BOS\)](#); [Haney, Matt \(BOS\)](#); [MandelmanStaff, \[BOS\]](#); [Mar, Gordon \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Ronen, Hillary](#); [Safai, Ahsha \(BOS\)](#); [Walton, Shamann \(BOS\)](#); [Yee, Norman \(BOS\)](#); [Breed, Mayor London \(MYR\)](#); info@cowhollowassociation.org; [Board of Supervisors, \(BOS\)](#)
Subject: Oppose SB 50
Date: Monday, April 1, 2019 7:45:26 PM
Attachments: [image.png](#)

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hi all,

As a long-time San Francisco resident and home owner, the idea to upzone the entire city is an atrocious idea. They literally made a movie about this if you need to understand why. I promise you'll cry.



Best,
Collin Burdick

From: bb2250
To: Stefani, Catherine (BOS); Brown, Vallie (BOS); Fewer, Sandra (BOS); Hanev, Matt (BOS); MandelmanStaff, [BOS]; Mar, Gordon (BOS); Peskin, Aaron (BOS); Ronen, Hillary; Safai, Ahsha (BOS); Walton, Shamann (BOS); Yee, Norman (BOS); Breed, Mayor London (MYR); info@cowhollowassociation.org; Board of Supervisors, (BOS)
Cc: Bb2250
Subject: Oppose SB 50
Date: Monday, April 1, 2019 7:10:43 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

I oppose SB 50.

Bernard Bauer, Ph.D.
2443 Greenwich St.,
San Francisco 94123

From: [Bernard Bauer](#)
To: [Stefani, Catherine \(BOS\)](#); [Brown, Vallie \(BOS\)](#); [Fewer, Sandra \(BOS\)](#); [Haney, Matt \(BOS\)](#); [MandelmanStaff, \[BOS\]](#); [Mar, Gordon \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Ronen, Hillary](#); [Safai, Ahsha \(BOS\)](#); [Walton, Shamann \(BOS\)](#); [Yee, Norman \(BOS\)](#); [Breed, Mayor London \(MYR\)](#); info@cowhollowassociation.org; [Board of Supervisors, \(BOS\)](#)
Subject: Oppose SB 50
Date: Monday, April 1, 2019 7:08:39 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

I oppose SB 50.

Susanne Stolzenberg, Esq.
2439 greenwich St.,
San Francisco 94123

From: [Nadia Kilgore](#)
Subject: Oppose SB 50
Date: Monday, April 1, 2019 6:31:12 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello,

I oppose SB 50.

Thank you,

Nadia Kilgore

From: [Jan M Hudson](#)
To: [Board of Supervisors, \(BOS\)](#)
Subject: Oppose SB 50
Date: Monday, April 1, 2019 11:11:17 AM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Please oppose SB50, as it will destroy the character of our city. It is not the way to increase housing and is only a windfall for developers.

Jan Hudson

Sent from my iPhone

From: [Anne Harvey](#)
To: [Breed, Mayor London \(MYR\)](#); [Stefani, Catherine \(BOS\)](#); [Brown, Vallie \(BOS\)](#); [Fewer, Sandra \(BOS\)](#); [Haney, Matt \(BOS\)](#); [MandelmanStaff, \[BOS\]](#); [Mar, Gordon \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Ronen, Hillary](#); [Safai, Ahsha \(BOS\)](#); [Walton, Shamann \(BOS\)](#); [Yee, Norman \(BOS\)](#); info@cowhollowassociation.org; [Board of Supervisors, \(BOS\)](#)
Cc: [Hartmut Fischer](#); [Eric Fischer](#)
Subject: Oppose SB 50
Date: Wednesday, April 3, 2019 9:47:26 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Mayor Breed and members of the San Francisco Board of Supervisors, I am writing to urge you to adopt a resolution opposing Senate Bill 50, which is being put forward by Senator Scott Weiner. It is beyond belief for me that he has authored this bill, given the fact that he is the elected senator for the city and county of San Francisco, and the bill would be devastating to this city. The entire city would be up zoned. A developer could come in and put high rises whenever they want to. This was clearly shown by a map which Supervisor Peskin showed last year at a hearing for the predecessor bill, which as I recall was SB 827.

The bill is essentially a giveaway to big money interests and wealthy developers so that they can ride roughshod over the little people, people who care about rational plans, and putting together something that satisfies competing interests. You could forget about having urban planning or a planning department. They would have little to do. The developers could become very aggressive and just jam things down everyone's throat. The way the law would work is very heavy handed, and undemocratic. Rule from the top down. One should keep in mind the disasters that can happen when one has such top down. In San Francisco in recent memory, we have a case of what happened to the Fillmore under federal redevelopment. There was wholesale demolition and displacement under the regime of Justin Hermann.

This bill would create a form of authoritarian rule, that is an anathema to a democracy. When the planning process works well in San Francisco, we have neighborhood input and guidelines. In my experience, neighbors are welcoming and when their voices are heard and listened to, the result is far superior.

High-rises are already causing substantial problems in San Francisco. One need look no farther than the Millennium Tower which stands downtown, and is slowly sinking and leaning, and appears to be leading to non-stop legal hassles.

SB 50 punishes San Francisco, and fails to recognize the work of the planning department in having rules and guidelines and then adding points for various public benefits. The flexibility to do such exchanges would be gone.

One thing I think we should recognize is that the total area of San Francisco is not very large, and that it is rather unsocial to leave buildable lots empty, awaiting further appreciation in value. At the present time, I have noticed that there are many vacant lots on Lombard Street which are essentially meadows, that could be developed as housing under current guidelines. Perhaps the city itself should do something to prod the owners into doing something with their vacant land. What I suggest is a special tax on idle land so that it is put to some use. I think that what is happening is that owner developers are holding off on building because of their expectation that if they delay, some form of Sen Weiner's bill will eventually be adopted, and their profits will increase dramatically. I suspect a cabal.

Sincerely yours, Anne Harvey

From: [Mark Staton](#)
To: [Board of Supervisors, \(BOS\)](#)
Subject: Oppose SB-50 and Scott Wiener
Date: Wednesday, April 3, 2019 7:34:57 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear board of supervisors,

I can not believe Scott Wiener is at it again; he is trying to ruin San Francisco with SB-50. We do not need the state to tell us what height or density we should build in San Francisco. I live in the Outer Parkside, and we do not need 75-foot buildings with the density SB-50 will allow.

Please Stop Scott Wiener and SB-50, and remember, I vote, and so do my neighbors.

Thank you

Mark Staton

415-850-9909

msstaton@sbcglobal.net

From: Sebastiano Scarampi
To: Stefani, Catherine (BOS); Brown, Vallie (BOS); Fewer, Sandra (BOS); Hanev, Matt (BOS); MandelmanStaff, [BOS]; Mar, Gordon (BOS); Peskin, Aaron (BOS); Ronen, Hillary; Safai, Ahsha (BOS); Walton, Shamann (BOS); Yee, Norman (BOS); Breed, Mayor London (MYR); info@cowhollowassociation.org; Board of Supervisors, (BOS)
Subject: OPPOSE SB50!!
Date: Wednesday, April 3, 2019 12:59:40 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

From: [Don Emmons](#)
To: [Stefani, Catherine \(BOS\)](#); [Brown, Vallie \(BOS\)](#); [Fewer, Sandra \(BOS\)](#); [Haney, Matt \(BOS\)](#); [MandelmanStaff, \[BOS\]](#); [Mar, Gordon \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Ronen, Hillary](#); [Safai, Ahsha \(BOS\)](#); [Walton, Shamann \(BOS\)](#); [Yee, Norman \(BOS\)](#); [Breed, Mayor London \(MYR\)](#); [info@cowhollowassociation.org](#); [Board of Supervisors, \(BOS\)](#)
Cc: [Lori Brooke](#)
Subject: Oppose SB50
Date: Monday, April 1, 2019 5:52:16 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Elected Officials,

SB50 makes little sense to me. The problem to be solved is increased and affordable housing for lower income families in California. We need to stop allowing market rate housing growth at the expense of affordable housing. SB50 does not do this. It increases market rate housing (which is very well considered in San Francisco) and does not provide for the families that want to live and work here. Teachers, Police, Fire Fighters, home building and improvement trades, service providers, retired residents all will suffer further if this bill or anything like it becomes law.

I think we should take a close look at where this funds for supporting this bill are coming from. Those are the individuals and companies that will profit from this bill. There are no indications that this bill will create affordable housing in San Francisco. This is like “trickle down tax cuts for the 1% and large corporations”. Building more market rate housing does not solve the affordability problem.

Among my concerns are:

- SB 50 will deregulate residential zoning creating value potentials ripe for real estate speculation
- SB 50 will do nothing to address a deep deficit in affordable housing in San Francisco unless there are significant changes to local inclusionary
- Tenant protections are not enforceable in San Francisco
- State resources should be focused on using public infrastructure to create affordable housing or enforcement to stop real estate speculation

We are in an affordability crises not a housing crises. Let's address AFFORDABLE HOUSING” not rampant real estate speculation!

Best regards,

Don

Don Emmons
2552 Greenwich St.
San Francisco, CA 94123
415-928-8869

From: [mike singer](#)
Subject: Oppose SB50
Date: Tuesday, April 2, 2019 11:16:00 AM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisor Stefani et al,

As native San Franciscans my wife and I chose to raise our boys in this city and they are now both in college. Frankly, as much as we love the city we are not sure we would make that decision again as the quality of life seems to continue to decline i.e. the homeless, traffic, crime, and dirty streets. Growing up my wife and I lived in various districts including North Beach, Richmond, Sunset, Lakeside, Cow Hollow, and we currently live in the Marina district. Each of the neighborhoods have distinct and special qualities about them that make them unique. It is outrageous that the state is trying to impose its will on our city through expanded development with seemingly no concern as to how it may adversely affect the special qualities of our neighborhoods and further erode our city's quality of life. We urge you to protect our city from the state's overreach.

Sincerely,

Mike Singer
3154 Baker St
SF CA 94123

From: [Susan Spiwak](#)
To: [Board of Supervisors, \(BOS\)](#)
Subject: Oppose SB-50
Date: Wednesday, April 3, 2019 5:34:05 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear San Francisco Board of Supervisors:

The purpose of this email is to express my opposition to SB-50, Scott Weiner's proposed bill that will allow developers to demolish homes and build huge luxury apartment structures in San Francisco. Please oppose Mr. Weiner's proposed bill and do not accept any amendments.

Sincerely,

Susan Spiwak

From: [Bill Gorman](#)
To: [Stefani, Catherine \(BOS\)](#); [Brown, Vallie \(BOS\)](#); [Fewer, Sandra \(BOS\)](#); [Haney, Matt \(BOS\)](#); [MandelmanStaff, \[BOS\]](#); [Mar, Gordon \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Ronen, Hillary](#); [Safai, Ahsha \(BOS\)](#); [Walton, Shamann \(BOS\)](#); [Yee, Norman \(BOS\)](#); [Breed, Mayor London \(MYR\)](#); [Board of Supervisors, \(BOS\)](#); info@cowhollowassociation.org
Subject: Opposed to SB 50
Date: Wednesday, April 3, 2019 6:56:09 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear San Francisco Supervisors,

I'm opposed to the contents of SB 50.

It threatens the character of San Francisco neighborhoods, and our local decision-making authority. San Francisco already does more to promote housing than most area governments.

Regards,

Bill Gorman
2288 Broadway St.
San Francisco

From: [George K. Merijohn, DDS](#)
To: [Brown, Vallie \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Fewer, Sandra \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [Haney, Matt \(BOS\)](#); [MandelmanStaff, \[BOS\]](#); [Mar, Gordon \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Ronen, Hillary](#); [Walton, Shamann \(BOS\)](#); [Yee, Norman \(BOS\)](#); [Breed, Mayor London \(MYR\)](#); [Board of Supervisors, \(BOS\)](#); [info@cowhollowassociation.org](#)
Cc: [George K. Merijohn, DDS](#)
Subject: Opposing SB 50 and asking for your representation for our city.
Date: Wednesday, April 3, 2019 7:21:44 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Mayor Breed and Supervisors,

If you appreciate the uniqueness of San Francisco it is high time for all tax paying San Franciscans and our elected representatives to wake up and smell the coffee.

Senator Wiener wants to turn SF into some overly developed and hideous generic urban plot.

Please oppose SB-50 in its entirety. No amendments – just send it back to the vision vacuum that created it.

On Dec 3rd 2018 the misguided and deeply conflicted Senator Scott Wiener introduced [SB-50](#) in an attempt to bring back most of the zoning legislation contained in [SB-827](#), which was defeated last year. This is a one-size-fits all bill for California that without doubt will negatively impact 96% of San Francisco. San Francisco is my home. I have also maintained my businesses and multiunit residential property here for 38 years.

My name is George Merijohn. **I am writing to inform you that I stand in direct opposition to Senator Wiener's bill SB 50. I ask that you read SB 50 for yourself and strongly oppose it in its entirety.**

There is no credible evidence to support the seriously flawed proposal that SB 50 will solve the California housing problem. *Furthermore, it disproportionately hurts San Francisco.* SB 50 rewards unchecked speculation, kills cherished neighborhoods and significantly worsens housing affordability. The Senator's overly simplistic, naïve and sophomoric "one size fits all" approach to California housing will destroy California's renowned community diversity. Apparently, Mr. Wiener feels that 1960's area Soviet style high density urban planning is the solution for California in 2019. He needs to get to work for California instead of trying to jam his political sideshow down California's throat.

The last thing California and especially my home town San Francisco needs is another bonus to the real estate speculators and that's exactly what SB 50 will do.

State Senator Scott Wiener's SB 50 legislation, after last year's defeated SB 827, claims to help solve California's housing crisis and create more "affordable housing," yet this bill will actually do more for

luxury builders than anyone else. Apparently, Senator Weiner thinks people will not read the large print: the primary backers include real estate developers and technology companies. Follow the money – that is what SB 50 is about.

SB 50 prescribes an overwrought, unnecessarily heavy-handed and unprecedented preemption of local zoning, all in a vain attempt to solve an affordable housing shortage.

SB 50's usurping of local control over zoning laws is keyed to a property's proximity to public transit, and in San Francisco, that affects 96% of the parcels.

SB 50 eliminates RH-1 and RH-2 designations; instead all properties will be zoned as RTO (Residential Transit Oriented). This means new projects will have no density controls or parking requirements, and there is an incentive to demolish, merge lots and rebuild with luxury condos with a few token tiny, affordable units.

As you know, if a project includes these affordable units, it allows the developers to increase the height beyond current zoning limits and "pick and choose exemptions for themselves from the otherwise applicable local building limits": height, density, setbacks, lot mergers, parking, massing, exposure, rear yards, floor-area ratio, demolition, design standards and impact fees. Imagine if you live in San Francisco and the house next door or across the street to you is now replaced by a seven (7) story high-rise, densely packed with units, with no light wells, covering the entire lot, and offering no parking -- all in a building with a 75-foot width.

SB 50 eviscerates local zoning rules by turning them over to Sacramento's legislated one size fits all preemptions.

Additionally, what little light, air, privacy, view, rear-yard open space and parking remains surrounding San Francisco homes and apartments will be lost if SB 50 passes.

As a tax paying citizen, California resident and businessman, I ask that you read SB 50 for yourself and strongly oppose it in its entirety. At the very least, please take a brief look at the addendum below for what lurks behind SB50.

A few more facts to consider:

Nearly all of San Francisco is near transit and can be upzoned under SB 50. How much density, height and congestion increases can one city bear before they destroy what made it so desirable in the first place?

96% of San Francisco eligible for upzoning. Residential development that is either within ½ mile of the Muni Metro, BART, Ferry or Cable Cars or ¼ mile from a frequently-serviced bus stop will be eligible -- [SF Planning Department analysis of SB 50](#). The hidden consequence of this bill is the impact on our neighborhood from combining SB 50 and other existing housing bills ([State Density Bonus](#) and [Housing Accountability Act](#)). That would allow increased heights up to 70' in residential areas and up to 75' in our commercial districts

SB 50 puts developers in charge of their own planning. Cities will have NO planning power

and neighbors will have NO say. If developers include a certain percentage of affordable housing in the project, they can choose, in addition to increased height and density, three (3) exemptions from building codes. Here's a small sample of local development standards, design and planning tools they can choose from:

- **Remove setbacks:** No more areas for trees, green belts, and side yards.
- **Reduce floor area ratio:** Building size/density can grow 47% to 297%.
- **Eliminate environmental sustainability:** Any development standard adopted by a city that isn't state law can be ignored by developers.
- **Remove onsite open-space:** Courtyards and balconies can be omitted.
- **Allow demolition:** Developers can demolish all buildings not on the California Registry of Historic Places. Most city building are not eligible, and of those that are, most are not registered.
- **Remove exposure requirements:** Allow windows that inhumanely stare at a wall.
- **Encourage lot mergers:** Up to 150 linear feet of frontage and possibly no limit with the State Density Bonus.

Eliminates single-family zoning. SB 50 overturns single-family zoning in areas that are "above median income, jobs-rich with good public schools" and lack major transit. Local RH-1, RH-2, RH-3 and many other residential zoning codes will no longer apply.

Rewards construction of up to 75 foot towers next to single-family homes. SB 50 encourages 75-foot luxury towers in single-family areas that are either close to transit or close to jobs and good schools. The limit is NOT 45 and 55 feet, as Wiener falsely says in SB 50, due to its interface with other state legislation (State Density Bonus). Up to 7-story buildings will be in areas currently zoned 4-stories if multiple zoning laws are combined and applied.

Cities can't stop a luxury tower unless the project hurts public safety. SB 50 is weaponized by the Housing Accountability Act of 1982, quietly amended by local politicians Nancy Skinner and Scott Wiener in 2017. It bans cities from rejecting any "density bonus" project unless the development "puts public health and safety at risk, or on any property listed in the California Register of Historical Resources." Therefore the onus is on the neighbors to claim and prove the risk. Otherwise the project proceeds.

Demolition. Local anti-demolition laws are honored, BUT if the demolition of a home would result in even one more housing unit than what presently exists on the parcel, the demolition must be allowed. San Francisco's local demolition laws will be null and void.

Zero parking requirement. This bill encourages severe density increases with no associated

parking, on the assumption that everyone will ride public transit. There's been a decrease in public transportation ridership of 20%. In reality, the lack of parking will only clog the streets and highways with more Uber and Lyft cars.

Turns developers into the fox guarding the rental hen-house. SB 50 utterly fails to protect renters. While it purports to temporarily prevent developers from razing "rental housing," only cities who keep a register of their renters can stop developers from misstating who lives there.

SB 50 does nothing to address the infrastructure plans and costs that will be needed to accommodate all these new developments. How will California plan and pay for the increased needs of utilities such as sewer, water and power plus public transportation, schools, fire and police, parks, wear and tear on the roads and all aspects of infrastructure from this dramatic increase in housing in the U.S.'s already most populated state? SB50 provides no funding whatsoever for all of this. Instead, it foists all those expenses on the cities and communities.

Our San Francisco elected representatives Scott Wiener, Phil Ting and David Chiu are claiming to help solve California's housing crisis with a statewide, one-size-fits-all solution. Meanwhile they are pushing through legislations that hurts the very city they were sent to Sacramento to protect.

There is a housing problem, but the issue is AFFORDABLE housing (low, moderate and middle income), and this bill does nothing to guarantee this type of housing will be built. In fact, on the contrary, it will encourage a proliferation of market rate, million-dollar condos that do nothing to address the problem, meanwhile seriously impacting the local character of our neighborhoods - the very reason many chose to live here and tourists love to visit.

In San Francisco we currently have over 58,000 parcels of property that have been purchased and fully entitled/approved for development, but nothing is happening due to the high cost of building. SB 50 does nothing to provide funding for or subsidizing of housing. And with the estimated thousands of new millionaires from the IPOs of Uber, Lyft, AirBnB, Pinterest, etc. who want to live in San Francisco, there's added motivation for developers to use SB 50 to focus on luxury properties at the expense of the purpose of the bill -- affordable housing. There is no reason to expose 96% of San Francisco to virtually unlimited development just because the real estate developers and tech companies, their funded organization (YIMBYs) and our elected representatives Scott Wiener, Phil Ting, and David Chiu say so.

Thank you for your consideration.

Respectfully,

George K. Merijohn
San Francisco

George K. Merijohn, DDS

www.merijohn.com 415.929.6965

Assistant Professor UC San Francisco and University of Washington Postdoctoral Periodontology

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From: [philippe.vendrolini](#)
To: [Board of Supervisors, \(BOS\)](#)
Subject: Opposing SB 50
Date: Wednesday, April 3, 2019 2:11:22 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

I'm glad that our supervisors are standing up for San Francisco. This bill is a dream come true for developers and DOES NOT resolve the main housing problem we have in SF : AFFORDABILITY.

It allows developers to decide where, how high, and how many units to build, they will only be guided by profit and have no incentive to create affordability.

We need a more tailored approach to the problem and request more affordable units from developers if they are to gain from the upzoning.

Philippe & Shari Vendrolini
94114

From: [Cheryl delamere](#)
To: [Board of Supervisors, \(BOS\)](#)
Subject: opposition to SB-50
Date: Monday, April 1, 2019 12:03:18 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

As a 22 yr homeowner in the Sunset I totally oppose SB-50. The only development I would approve is government funded affordable housing at transportation hub intersections. We have enough expensive apartments and condos. Cheryl delamere

From: [Cynthia Gissler](#)
To: [Stefani, Catherine \(BOS\)](#); [Brown, Vallie \(BOS\)](#); [Fewer, Sandra \(BOS\)](#); [Haney, Matt \(BOS\)](#); [MandelmanStaff, \[BOS\]](#); [Mar, Gordon \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Ronen, Hillary](#); [Safai, Ahsha \(BOS\)](#); [Walton, Shamann \(BOS\)](#); [Yee, Norman \(BOS\)](#); [Breed, Mayor London \(MYR\)](#); [Board of Supervisors, \(BOS\)](#)
Subject: Opposition to SB50
Date: Wednesday, April 3, 2019 2:27:18 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear San Francisco Supervisors,

My sons are the fifth generation to be raised in a moderate house in Cow Hollow. I work full time and have volunteered for many organizations in our fine city including The Women's Building board, the CHA board, the NAPP board in the Presidio, and as a docent in the Presidio Officer's Club museum. I love this City and cherish the unique neighborhoods. Cow Hollow Association has spent years helping neighbors carefully negotiate how to renovate or build in our neighborhood so that we retain the character, light, height limits, and open green spaces in the centers of the block, which we all love.

Senator Scott Wiener's SB 50 legislation is not only an affront to all that we hold dear in Cow Hollow but also throughout San Francisco and the State. The issue in a nutshell is affordable housing. His legislation does nothing to address this issue and only provides developers with more ability profit by flaunting the rules carefully set down by the Planning Commission and the Cow Hollow Neighborhood Design Guidelines. This legislation will result in large expensive properties and not address affordable housing at all. Additionally, this legislation would harmfully permanently change the unique character of most neighborhoods in our City and State.

Without a vision and funds to improve the transit technology and its reach throughout the City and Bay Area, this bill's claim of building that encourages use of public transportation does not have factual data to support it. I ask that the Board of Supervisors pass a resolution Opposing SB 50. There are ways to solve our housing crisis and it will take hard work, discipline, and some thoughtful choices on the part of the state and the City of San Francisco to address the economic disparities that have arisen. This legislation does none of that.

Sincerely,

Cynthia Gissler

2727 Baker Street

San Francisco, CA 94123

From: BETH WEISSMAN
To: Board of Supervisors, (BOS)
Subject: Opposition to SB-50
Date: Tuesday, April 2, 2019 5:50:34 AM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

To the Board of Supervisors,

This is my second letter in opposition to this terrible bill, which Senator Weiner has once again brought up despite opposition the first time. I live in San Francisco in District 2, and I urge you to oppose this bill. If Senator Weiner has his way, developers will make our difficult parking situation worse, wipe out green belts, side yards, and setbacks, which are an integral part of this neighborhood. It will destroy single family and rental housing for luxury one bedroom high rises, ruining the parts of San Francisco which have not lost their character to become a pale copy of New York. It will force families away from the city where most of them work. The entire idea is a poor one, more grandstanding than well thought out legislating. This is most definitely not a housing solution but a boon to real estate developers.

Thank you,

Beth Weissman

From: [Claire Mills](#)
To: [Board of Supervisors, \(BOS\)](#)
Subject: Please oppose SB 50
Date: Wednesday, April 3, 2019 5:34:12 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear San Francisco Supervisors,

I would like to add my name to those in opposition to SB 50. Removing local input/control and rejecting neighborhood organizations' concerns on construction projects lessens civic involvement and runs against democracy. It is against California values.

Scott Wiener's plan to ignore boards of supervisors statewide (for example the unanimous declaration of opposition by the LA board of sups and the majority of San Francisco's supervisors) is a slap in the face to all of California. It seems eminent domain will be applied statewide with the passage of SB50 and that the pro-construction plan of SB 50 only benefits developers and not local communities. Communities will lose control of design of their architecture, zoning, traffic planning and implementation of increasing low income housing. The plan seems to undermine San Francisco's building requirements designed to increase affordable housing. So many tall residential towers in San Francisco can't fill their units as all this luxury housing isn't what San Francisco needs.

We have a tiny backyard here on Greenwich Street...but we have a backyard. Hummingbirds, bees, and other wild life make regular appearances and feed off our tiny flowering trees. If a developer bought our or any property like mine, SB 50 would allow construction over so many small yards and the cumulative negative effect on nature and food sources would be truly sad. If you want to live in a concrete jungle like Manhattan, move there. I, like so many others, chose San Francisco for its love and respect for the environment. I moved here 33 years and will continue to fight for San Francisco.

Those of us who canvassed for Scott Wiener feel we may have been helping a wolf in sheep's clothing. My heart is broken. California wouldn't support his plan in the last election so he has rigged the deck to undermine statewide opposition by taking control of an important committee.

We depend on our local leaders to implement the will of their constituents. Please hear the loud roar of opposition by San Franciscans. We hope we can count on you to listen and consider the many valid arguments against SB 50 from all the neighborhood organizations and private citizens.

Thank you for representing us!
Claire Mills

From: [Carl](#)
To: [Brown, Vallie \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [Peskin, Aaron \(BOS\)](#)
Cc: [Fewer, Sandra \(BOS\)](#); [Haney, Matt \(BOS\)](#); [MandelmanStaff, \[BOS\]](#); [Ronen, Hillary](#); [Safai, Ahsha \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Walton, Shamann \(BOS\)](#); [Yee, Norman \(BOS\)](#); [Board of Supervisors, \(BOS\)](#)
Subject: Please Support Supervisor Mar's Resolution Opposing SB 50
Date: Wednesday, April 3, 2019 3:24:32 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisors Brown, Mar, and Peskin, Please support Supervisor Mar's resolution opposing SB 50. Keep land use management local! Thank you.

**Carl Schick
247 Bret Harte Rd.
San Rafael, CA 94901**

From: Jeffrey P. Ricker, CFA
To: Stefani, Catherine (BOS); Brown, Vallie (BOS); Fewer, Sandra (BOS); Hanev, Matt (BOS); MandelmanStaff, [BOS]; Mar, Gordon (BOS); Peskin, Aaron (BOS); Ronen, Hillary; Safai, Ahsha (BOS); Walton, Shamann (BOS); Yee, Norman (BOS); Breed, Mayor London (MYR); info@cowhollowassociation.org; Board of Supervisors, (BOS)
Subject: SB 50 - NO!
Date: Monday, April 1, 2019 10:29:39 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Politicians:

Please oppose on SB 50. Government housing engineering is bad policy.

Using dense housing to force people to use public transit to stop CO2 emissions and thereby alleviate the Global Warming Crisis is absolutely ridiculous.

How much lower is the global temperature if SB 50 passes?

What does your elaborate climate model say?

ZERO!

SB 50 is frivolous symbolism disrupting communities.

Let local governments decide on their own housing policies.

Sincerely,

Jeffrey P. Ricker, CFA
1912 Filbert Street
San Francisco, CA 94123

From: [Shawn Dahlem](#)
To: [Stefani, Catherine \(BOS\)](#); [Breed, Mayor London \(MYR\)](#); [Board of Supervisors, \(BOS\)](#)
Subject: SB50
Date: Monday, April 1, 2019 1:05:12 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello,

I'm writing to convey strong opposition to SB50. As you know, the previous legislation had lost in a public vote. It's frustrating the new SB50 will not go to a public vote.

The swath of legislation seems to be a 'one size fits all' and disregards any local community input or voice. There does not appear to be a path of accountability.

I hope those in public service recognize the importance of representing our community and protecting those safeguards in our communities.

Sincerely,

Monica M. Dahlem
415-902-1155

From: [Geoff Wood](#)
To: [Breed, Mayor London \(MYR\)](#); [Board of Supervisors, \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Brown, Vallie \(BOS\)](#); [Fewer, Sandra \(BOS\)](#); [Haney, Matt \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Ronen, Hillary](#); [Safai, Ahsha \(BOS\)](#); [Walton, Shamann \(BOS\)](#); [Yee, Norman \(BOS\)](#)
Subject: SB50
Date: Thursday, April 4, 2019 9:40:56 AM
Attachments: [ANOTHER WEINERVILLE.docx](#)

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Mayor Breed and Board of Supervisors,

Please read the attached letter that I believe outlines significant problems with the proposed senate bill.

Thank you,

Geoff Wood



ANOTHER WIENERVILLE!

This is affordable housing mandated by a central government miles and years away from when this town was a nice-looking village surrounded by fishing and farming areas. Private enterprise did not build these, the state did. The units don't have the latest appliances or even the latest modern conveniences. Each unit is the same boring, obsolete configuration. Consequently, a decade or two after these were produced to solve a housing crises, many are vacant and residents who can afford to leave, do so.

Making housing affordable doesn't have easy answers. The problem took time to create and it will take time to solve without creating unwanted consequences. In cities like San Francisco, where demand for good, affordable housing is strong, areas south of Market (SOMA) can continue to add needed housing and, more importantly, the needed stores and services to service the new population. Trying to add affordable, high-rise housing in every neighborhood is naive and becomes very expensive because of the smaller scale. Older neighborhoods don't have the needed infrastructure (sewer, water, transit, wider streets, parking and shopping services) to support the new housing regardless of how much state bureaucrats jump up and down. Established families and tenants will be driven out; traditional neighborhoods will become defaced with constant construction driving more potential homeowners and renters to other areas. In other words, what is thought to be the easy answer building state-mandated housing everywhere, as envisioned by California SB50, that overrides local zoning rules, will backfire destroying many attractive neighborhoods.

Good products take time to create. Local planning and building departments understand what housing will work and where – they are in the best position to approve it. The cost to build in many neighborhoods today is just unaffordable for even moderate and market rate housing. The experience in San Francisco, New York, Seattle and other cities in great demand attests to this. The square-foot cost-to-build today in much of California has doubled or tripled in the last two years, mainly because of the demand to rebuild created by the devastating fires of 2017 and 2018. What cost \$300/SF to build in 2016, now costs \$600-\$800 per square foot in many markets. Until these markets can increase the supply of more affordable housing, the wages paid workers that live there will have to increase to meet the higher cost to house these necessary employees. Higher pay provided by the market (not arbitrary minimum wage increases) will help to keep the needed workers close enough to serve the bulging populations of these growing cities. Large companies that have added the new tech jobs should help solve the imbalance that they have helped to create by including apartment housing in the new high-rise offices they build in the future.

Geoff Wood
San Francisco
4/03/2019

From: Michael Mueller
To: Stefani, Catherine (BOS); Brown, Vallie (BOS); Fewer, Sandra (BOS); Haney, Matt (BOS); MandelmanStaff, [BOS]; Mar, Gordon (BOS); Peskin, Aaron (BOS); Ronen, Hillary; Safai, Ahsha (BOS); Walton, Shamann (BOS); Yee, Norman (BOS); Breed, Mayor London (MYR); info@cowhollowassociation.org; Board of Supervisors, (BOS)
Subject: Strongly Oppose SB 50: Transportation Infrastructure Can't Support Greater Density
Date: Wednesday, April 3, 2019 8:39:58 PM

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Dear Supervisors,

A recent two hour trip to Berkeley and a one hour trip to South of Market brought home the fact how stretched the transportation infrastructure is in San Francisco and the Bay Area already. Besides its other flaws, the key assumption underlying the SB50--that the transportation/transit infrastructure is adequate to support significant additional density--is flat out wrong. Traffic and congestion have never been worse and people are loathe to take public transit if they can avoid it (hence the success of Uber and Lyft, which only further increase congestion and make MUNI buses even slower and less reliable). Adding dramatically more housing, particularly in the north and west of the city (where MUNI is really not a viable option for almost everyone), will make an already untenable traffic and transit situation even worse. Manhattan-type densities only work if there's a viable and effective mass transit option (i.e, a subway), which San Francisco does not have. The unintended consequence of this "one size fits all" zoning approach will be more traffic, more pollution, less safe streets, uncontrolled development, loss of neighborhood character and an inability of city and regional government to effectively manage the process. I urge you to send a strong message to our state representatives to reject SB50.

Michael Mueller
District 2 Resident

Carroll, John (BOS)

From: Kristy Wang <kwang@spur.org>
Sent: Thursday, April 04, 2019 9:24 AM
To: Carroll, John (BOS)
Subject: Fwd: SPUR supports SB 50 (Item 5 at the GAO Committee)
Attachments: SPUR supports SB 50.pdf

Categories: 2019.04.04 - GAO, 190319

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Hi,

Can you please add this letter to the file? Thank you!

Kristy

Kristy Wang, LEED AP
Community Planning Policy Director
SPUR • Ideas + Action for a Better City
(415) 644-4884
(415) 425-8460 m
kwang@spur.org

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----- Forwarded message -----

From: **Kristy Wang** <kwang@spur.org>
Date: Thu, Apr 4, 2019 at 7:56 AM
Subject: SPUR supports SB 50 (Item 5 at the GAO Committee)
To: <gordon.mar@sfgov.org>, Brown, Vallie (BOS) <vallie.brown@sfgov.org>, Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>
Cc: <Daisy.Quan@sfgov.org>, <Shakirah.Simley@sfgov.org>, Hepner, Lee (BOS) <lee.hepner@sfgov.org>, <Scott.Wiener@sen.ca.gov>, Fryman, Ann <Ann.Fryman@sen.ca.gov>, Breed, London (BOS) <London.Breed@sfgov.org>, Karunaratne, Kanishka (BOS) <kanishka.karunaratne@sfgov.org>, <john.carroll@sfgov.org>

Dear Supervisors,

SPUR encourages you to oppose the proposed resolution (Board File 190319) in opposition to SB 50. SB 50 is a key step for California on both environment and equity fronts, allowing multifamily and affordable housing in transit-rich and opportunity-rich areas across California.

Contrary to what this resolution states, SB 50 respects many important policies that San Francisco already has in place, like tenant protections, demolition controls and inclusionary housing, and it does not change the approvals process or limit community planning opportunities.

Supporting SB 50 is the right choice. Please see the attached letter for more. Thank you for your consideration.

Best,
Kristy Wang

Kristy Wang, LEED AP
Community Planning Policy Director
SPUR • Ideas + Action for a Better City
(415) 644-4884
(415) 425-8460 m
kwang@spur.org

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San Francisco | San Jose | Oakland

April 4, 2019

Government Audit & Oversight Committee
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

RE: April 4, 2019 Agenda, Item 5 (Board File 190319)
Resolution Opposing California State Senate Bill No. 50 — OPPOSE

Dear Supervisors Mar, Brown and Peskin

Thank you for the opportunity to weigh in on Supervisor Mar's proposed resolution to oppose State Senator Scott Wiener's Senate Bill 50. SB 50 represents an important environmental effort to overcome barriers to the creation of infill homes in the right places — close to major transit and in high opportunity areas — throughout California.

SPUR supports SB 50, the More HOMES Act, and opposes this resolution. We are concerned that this resolution undercuts key San Francisco values and aligns this city with some of the most exclusionary jurisdictions in the state.

Passing SB 50 is a much-needed step for California to take in support of the environment and in support of equity. SB 50 merely prevents cities from requiring low-density housing in places close to transit. It does *not* change San Francisco's ability to do community planning, nor does it change the entitlements or CEQA process for projects.

SB 50 also establishes statewide inclusionary housing in cities that do not have policies like San Francisco's, and allows higher local inclusionary housing policies like San Francisco's to prevail. This will increase the number of affordable housing units produced in other, less responsible cities and will also increase the number of affordable housing units produced in San Francisco.

SB 50 respects local tenant protections policies and local demolition controls in addition to respecting local inclusionary requirements.

SB 50 provides for enhanced community planning processes in communities at risk of gentrification and displacement. As others have noted, many of the neighborhoods of concern in San Francisco that might

not be included in this definition today are already zoned for higher-density housing through our own planning processes and would experience little impact from SB 50.

SB 50 will result in increased production of smaller-scale, missing-middle-type housing in neighborhoods that today only allow single-family or two-family homes.

SPUR opposes the proposed resolution. SB 50 is a thoughtful and nuanced update to last year's SB 827, keeping the environment front and center and genuinely addressing many of the concerns raised by equity advocate. We suggest that this committee and the full Board reconsider supporting this resolution to remain on the right side of history.

Please feel free to contact me with any questions. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kristy Wang', written over the printed name.

Kristy Wang
Community Planning Policy Director

CC: State Senator Scott Wiener
Mayor London Breed
SPUR Board of Directors

Carroll, John (BOS)

From: Mchugh, Eileen (BOS)
Sent: Wednesday, April 03, 2019 6:48 PM
To: Carroll, John (BOS)
Subject: FW: SF Chamber Letter: Support SB 50
Attachments: 3.29.19_Support for SB 50.pdf

Categories: 2019.04.04 - GAO, 190319

From: Mary Young <myoung@sfchamber.com>
Sent: Friday, March 29, 2019 3:56 PM
To: senator.wiener@senate.ca.gov
Cc: cicely.chisholm@sen.ca.gov; Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>; Breed, Mayor London (MYR) <mayorlondonbreed@sfgov.org>; Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>; Fewer, Sandra (BOS) <sandra.fewer@sfgov.org>; Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Mar, Gordon (BOS) <gordon.mar@sfgov.org>; Brown, Vallie (BOS) <vallie.brown@sfgov.org>; Haney, Matt (BOS) <matt.haney@sfgov.org>; Mandelman, Rafael (BOS) <rafael.mandelman@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; Walton, Shamann (BOS) <shamann.walton@sfgov.org>; Cohen, Emily (DPH) <emily.cohen@sfgov.org>; Ann.Fryman@sen.ca.gov; Yee, Norman (BOS) <norman.yee@sfgov.org>; Karunaratne, Kanishka (MYR) <kanishka.cheng@sfgov.org>
Subject: SF Chamber Letter: Support SB 50

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Senator Wiener,

Please see attached letter from the San Francisco Chamber of Commerce expressing our support for SB 50.

Thank you,



Mary Young

Manager, Public Policy

San Francisco Chamber of Commerce

235 Montgomery St., Ste. 760, San Francisco, CA 94104

(O) 415-352-8803 • (E) myoung@sfchamber.com





235 Montgomery St., Ste. 760, San Francisco, CA 94104
tel: 415.352.4520 • fax: 415.392.0485
sfchamber.com • twitter: @sf_chamber

March 29, 2019

The Honorable Scott Wiener, Chair
California State Senate Housing Committee
California State Capitol, Room 2209
Sacramento, CA 95814

RE: SUPPORT Senate Bill 50 (Wiener)

Dear Senator Wiener,

The San Francisco Chamber of Commerce, representing thousands of local businesses, urges you to support California State Senate Bill No. 50 (SB 50), authored by Senator Scott Wiener, which allows for greater housing density along public transportation corridors and near job centers.

The Chamber supports SB 50, and believes it is a step forward in our collective efforts to build more housing at all levels of affordability in San Francisco neighborhoods, throughout the Bay Area and across California. Senator Wiener's bill, which is supported by three-quarters of San Francisco voters according to a recent Chamber of Commerce poll, will help break the gridlock imposed by long-standing zoning and permitting restrictions that still reflect the exclusionary housing policies of a bygone era.

Increasing density close to transit and job centers will enable more residents to live near our workplaces, reducing traffic congestion and the overcrowding of our beleaguered public transportation systems. It will lower carbon emissions and help reduce the destructive impacts of climate change across the state by reversing development patterns and incentives that lead to urban and suburban sprawl.

Most important, SB 50 will result in an increase of vitally needed affordable housing stock, as more units will be built in areas currently zoned ineligible for 100% affordable housing. Legalizing more multi-unit buildings will result in the construction of inclusionary housing that provides below market-rate units for San Franciscans who cannot afford our city's exorbitant real estate and rental prices.

Under SB 50, San Francisco will retain its approval process for individual projects and community members will have the same opportunities to provide input as they do now. The city will continue to capture local impact fees directed to transportation and streetscape improvements. Local demolition protections will remain in place.

The San Francisco Chamber of Commerce has long supported policies that increase housing density to help alleviate the city's significant housing shortage, especially for middle and low-income residents. We therefore urge the Committee to support SB 50 and we look forward to working with you on its successful implementation.

Sincerely,

A handwritten signature in black ink, appearing to read "Rodney Fong". The signature is written in a cursive style with a large, sweeping flourish at the end.

Rodney Fong
President and CEO
San Francisco Chamber of Commerce

cc: Committee Assistant, to be distributed to all Committee members; Mayor London Breed; Clerk of the Board of Supervisors, to be distributed to all Supervisors

Mary Ellen Hannibal

maryellenhannibal@gmail.com

(415) 931-3750

SB-50 Comment

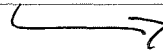
Submitted April 4, 2019
Opposing SB-50 supporting the bill against it

SB50 has honorable goals but is fatally flawed and must be revised. Handing the future over to developers with no community input to our future is shallow and panicked.

designed
Have we learned nothing from the tragedy of Paradise? Developers built that city their way for their profit. With inadequate roadways citizens were tragically trapped there in an unprecedented fire storm. Many died.

Will you build 85 foot towers all over the city? Has anyone thought for one moment about evacuating those towers when the city burns?

What about sea level rise around developed ferry stops?



As the waves and the flames
climb higher, community members
will have nowhere to go and
the developers will be long gone.

April 4, 2019

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2019 APR -4 AM 11:50
AK

Bx-11
COR
GAO CLERK

President Norman Yee
San Francisco Board of Supervisors
City Hall
San Francisco, CA 94102

RE: Support for Resolution to Oppose SB 50 Unless Amended [File No. 190319]

Dear Mr. President and Members of the Board of Supervisors:

We write to express our strong support for the Resolution introduced by Supervisor Gordon Mar to oppose SB 50 unless it is amended. In its present form, SB 50 will make it harder for local communities to fight against displacement and impose more market rate housing on neighborhoods that instead desperately need more affordability.

By overriding existing zoning without requiring more affordability, SB 50 will further empower private investors to cherry pick our neighborhoods for the best sites for their luxury housing and mixed use developments. Thus, without amendments SB 50 will increase real estate speculation and make it even more difficult to reserve and acquire sites for truly affordable housing – housing for the people most likely to use public transit. Amendments should increase affordability on all housing including buildings under ten units and cover density bonus units now exempted from inclusionary requirements.

Furthermore, SB 50 imposes a deeply flawed approach towards ‘protecting’ gentrifying neighborhoods. The bill’s designation of “sensitive communities” (temporarily exempted from SB 50’s developer incentives) leaves out too many neighborhoods that are already experiencing market driven displacement and is vague about what designated neighborhoods must do to maintain such status. San Francisco’s own Planning Department has a far broader definition of sensitive communities experiencing displacement and gentrification.

But SB 50 disregards the city’s analysis and local knowledge. Instead it creates an unprecedented top-down approach to decide what places deserve protection from market driven development. For San Francisco and other Bay Area cities, SB 50’s “sensitive community” designation is for the next five years determined by a flawed map adopted last year by the Metropolitan Transit Commission, an agency with no accountability to local communities impacted by displacement and gentrification. In the future the determination will be made by a state agency no more accountable than the MTC. SB 50’s approach toward gentrifying and disadvantaged neighborhoods is fundamentally disempowering.

In addition, SB 50 offers inadequate controls on displacement and the demolition of existing housing. On the surface the bill states its development incentives do not apply to projects within 7 years of the site being occupied by renters or 15 years of an Ellis Act eviction. But the implementation of those provisions will be near impossible without a rental registry, a ban on corporate rentals, and stronger controls on tenant harassment and buy-outs (off the record Ellis Act evictions). SB 50 does nothing to advance such policies. Instead the bill leaves unchanged state-imposed constraints on local governments' ability to adopt stronger demolition and eviction controls.

Amending SB 50 to address these concerns does not weaken the bill's ability to increase density in suburban cities and neighborhoods that need to build more housing. The goal of building more housing can and must be accomplished while also strengthening affordability, restricting real estate speculation, empowering disempowered and gentrifying neighborhoods, and enabling cities to adopt strong protections of existing housing and tenants rights.

We thank the resolution's author and co-sponsors. We hope the resolution's urgent message is heard by our legislators in Sacramento.

Sincerely,

THE SAN FRANCISCO ANTI DISPLACEMENT COALITION

and

AFFORDABLE HOUSING ALLIANCE
ANTI-EVICTION MAPPING PROJECT
BILL SORRO HOUSING PROJECT
CAUSA JUSTA::JUST CAUSE
CHINATOWN COMMUNITY DEVELOPMENT CENTER
COMMUNITY TENANTS ASSOCIATION
DOLORES STREET COMMUNITY SERVICES
HOSPITALITY HOUSE
HOUSING RIGHTS COMMITTEE OF SAN FRANCISCO
JOBS WITH JUSTICE, SAN FRANCISCO
MISSION COMMUNITY DEVELOPMENT CENTER
SAN FRANCISCO TENANTS UNION
SOUTH OF MARKET COMMUNITY ACTION NETWORK
SENIOR AND DISABILITY ACTION
SF RISING
YES TO AFFORDABLE HOUSING (YAH)

PUBLIC COMMENT GAO, SB 50 – APRIL 4, 2019
Supervisor Gordon Mar’s Resolution to Oppose SB 50 Unless Amended

Good morning, Supervisors. Lisa Fromer, San Francisco Land Use Coalition

I fully support Supervisor Mar’s Resolution to Oppose SB 50, because this bill ignores our real housing needs. So I ask you: Can we afford to support SB 50 when it won’t get us to our affordable housing goals?

I don’t think so.

Can we afford SB 50 when other “jobs-rich” cities have unmet RHNA goals and refuse to build housing?

I don’t think so.

Can we afford “transit-rich” housing when our city’s transit budget is \$22 million in the red and ridership is decreasing?

I don’t think so.

Can we afford to see everyone worried about being priced out?

I don’t think so.

Can you afford to support a bill that undermines your authority in community-based planning?

That’s OK, you can say it with me....I don’t think so.

Please Support this Resolution .

Re: SB 50 Public Comment in Support of Resolution

Good day ~~Chair Petia and fellow~~ Supervisors.
Anastasia Yovanopoulos:

As a senior and long time tenant advocate
I support the resolution to oppose SB50 unless
the bill is amended, and to this end one amendment
that's essential is that:

Until the city has the tools to verify whether
a building is tenant occupied or determine how long
since a building was previously tenant occupied,
the city cannot implement the bill.

Since the majority of cities in California where
SB50 would apply do not have the tools in place
to verify tenant occupancy, the bill cannot be
implemented.

This amendment is critical to San Francisco ^{where} ~~because~~
63% of our residents are renters, including 14%
who rent single family homes.

I am opposed to SB 50 because it adds more market rate housing and does not increase our affordable housing stock.

Up zoning further exacerbates speculation and further impacts low-income and moderate income tenants, immigrants, seniors and families.

Members of the committee, Supervisors Marr, Brown, and
Fewer, Mr. Clerk

I come before you today in support of the
More Homes Act. SB 50 would change zoning
laws to allow more housing near transit
and in job rich areas.

We are facing a crisis of affordability, in
which our city is becoming impossible to live in.
The problem is that we do not have enough
housing. And I believe that the solution
is simple — to make more room in our city
for people from all walks of life, to build
more housing. Building housing does NOT
degrade the character of our neighborhoods,
in fact it enriches it. How can a neighborhood
have character if the people who ~~the~~ define
our neighborhoods and our city are being
priced out of the city.

~~Some might contend that we must choose~~

The More Homes Act also improves quality
of life, as it concentrates development near
jobs and transit, and reduces the long commutes
endured by so many San Franciscans and people
who commute to San Francisco. →

By eliminating the requirement to build a certain number of parking spaces, it ~~also~~ allows developers to use space efficiently and reduces construction costs, and by eliminating red tape, it increases the pace at which we can build housing.

I am asking you to support this bill because it gives developers freedom to build housing efficiently by removing red tape, and regulations that no longer make sense for San Francisco.

~~I am asking you to support SB50, as it is a means or hope to~~

SB-50 up-zones all SF parcels

Resulting

Loss of residential areas

Developers make zoning decisions (deregulates local zoning)

Won't create affordability

No "trickle-down" effect

Less housing → rising labor, land, materials costs

No "fee-out" for affordable housing

Developer entitlements → ↑property values without certainty of buildings built

Coalition for San Francisco Neighborhoods

Rose Hillson, LUTC Chair, General Assembly authorized

Strongly oppose Senator Scott Wiener's sledge-hammer SB-50:

Leads to increased evictions

Weak renter protections

Landowners sell to developers for increased densities → reduced sunlight, parks, vegetation, parking, open space

↑demolitions of single-family / low-rise multi-unit residential

↑heights up to 75-ft → irreparably destroy neighborhoods' human scale

Overburden → congested roads / public transportation systems

Represents subrogation city's/ citizens' rights to state

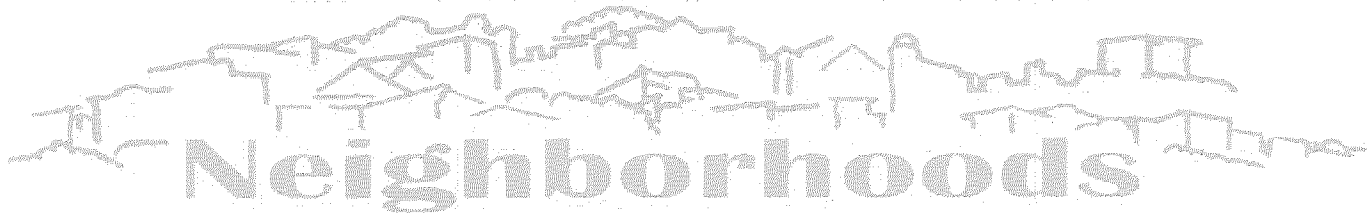
Abrogation of elected officials' duties to San Francisco's citizens/residents if they support

Need nuanced tack-hammer → respect current urban fabric of all neighborhoods

Jordan Park Improvement Association

Owen Hart, President

Coalition for San Francisco



www.csfhn.net • PO Box 320098 • San Francisco CA 94132-0098 • 415.262.0440 • Est 1972

April 2, 2019

Honorable Supervisors Mar, Brown and Peskin
Board of Supervisors - Government, Audit and Oversight Committee
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

via email

Subject: Senate Bill 50 ("SB-50") <Wiener>
"Planning & Zoning: Housing Development: Equitable Communities Incentive"

The Coalition for San Francisco Neighborhoods (CSFN) opposes Senate Bill 50 ("SB-50") <Wiener>.

Concerns include the following:

1. SB-50 up-zones all parcels in San Francisco
2. SB-50 will result in the loss of residential areas
3. SB-50 will result in developers making zoning decisions (deregulates local zoning)
4. SB-50 does *not* create affordability:
 - a. No "trickle-down" effect
(Less housing will be built due costs for labor, land, materials, e.g.)
 - b. No "fee-out" for affordable housing
(Process creates entitlements to raise property values without certainty of buildings getting built.)

CSFN previously sent this letter to the San Francisco Planning Commission in February and to the state legislators in early March.

Thank you.

Sincerely,

/s

Rose Hillson
Chair, Land Use & Transportation Committee
As authorized by CSFN General Assembly

Cc: Mr. John Carroll, Clerk GA&O Committee; Board of Supervisors; Mayor Breed; Ms. A. Calvillo,
Clerk of the Board of Supervisors

Jordan Park Improvement Association

120 Jordan Avenue, San Francisco, CA. 94118

April 1, 2019

Dear Elected Officials,

We are writing to express our strong opposition to State Senator Scott Wiener's proposed bill, SB-50. The proposed bill will: (i) lead to increased evictions because of its weak renter protections, as real estate owners sell their assets to developers seeking to take advantage of bill's proposed increased densities; (ii) Increase demolition of single family homes and low-rise multi-unit residential properties; (iii) Increase building heights (up to 75') in many predominantly residential neighborhoods, irreparably changing the character of neighborhoods; (iv) overburden S.F.'s already congested roads and public transportation systems; and (v) increase the density of the city's neighborhoods while reducing sunlight, parks, vegetation, parking and open space. The bill will likely result, not in the development of affordable housing, but in the development of more luxury condominiums as developers seek to maximize their profits. The bill's provisions will destroy the human scale of the city's neighborhoods, one of the attributes that makes the city a special place to live.

The bill also represents a subrogation of the city's, and its citizen's, rights to those of the state. If it is supported by our elected representatives, it also represents an abrogation of their duties to San Francisco's citizens and residents. Residential development to meet the housing needs of San Francisco requires a much more nuanced and subtle approach which respects the current urban fabric of all neighborhoods. SB-50 is a sledge hammer where a tack hammer is required.

Sincerely,

Owen L. Hart

President, Jordan Park Improvement Association

SB-50 up-zones all SF parcels

Resulting

Loss of residential areas

Developers make zoning decisions (deregulates local zoning)

Won't create affordability

No "trickle-down" effect

Less housing → rising labor, land, materials costs

No "fee-out" for affordable housing

Developer entitlements → ↑property values without certainty of buildings built

Coalition for San Francisco Neighborhoods

Rose Hillson, LUTC Chair, General Assembly authorized

Strongly oppose Senator Scott Wiener's sledge-hammer SB-50:

Leads to increased evictions

Weak renter protections

Landowners sell to developers for increased densities → reduced sunlight, parks, vegetation, parking, open space

↑demolitions of single-family / low-rise multi-unit residential

↑heights up to 75-ft → irreparably destroy neighborhoods' human scale

Overburden → congested roads / public transportation systems

Represents subrogation city's/ citizens' rights to state

Abrogation of elected officials' duties to San Francisco's citizens/residents if they support

Need nuanced tack-hammer → respect current urban fabric of all neighborhoods

Jordan Park Improvement Association

Owen Hart, President

CLERK:

Include verbatim in
4/4 minutes per
Sunshine 67.16

Can send Mr. Carroll
email of this so
no need to retype.
Thx.
Rose

Carroll, John (BOS)

From: Kristy Wang <kwang@spur.org>
Sent: Thursday, April 04, 2019 7:56 AM
To: Mar, Gordon (BOS); Brown, Vallie (BOS); Peskin, Aaron (BOS)
Cc: Quan, Daisy (BOS); Simley, Shakirah (BOS); Hepner, Lee (BOS); Scott.Wiener@sen.ca.gov; Fryman, Ann; Breed, London (MYR); Karunaratne, Kanishka (MYR); Carroll, John (BOS)
Subject: SPUR supports SB 50 (Item 5 at the GAO Committee)
Attachments: SPUR supports SB 50.pdf
Categories: 2019.04.04 - GAO, 190319

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisors,

SPUR encourages you to oppose the proposed resolution (Board File 190319) in opposition to SB 50. SB 50 is a key step for California on both environment and equity fronts, allowing multifamily and affordable housing in transit-rich and opportunity-rich areas across California.

Contrary to what this resolution states, SB 50 respects many important policies that San Francisco already has in place, like tenant protections, demolition controls and inclusionary housing, and it does not change the approvals process or limit community planning opportunities.

Supporting SB 50 is the right choice. Please see the attached letter for more. Thank you for your consideration.

Best,
Kristy Wang

Kristy Wang, LEED AP
Community Planning Policy Director
SPUR • Ideas + Action for a Better City
(415) 644-4884
(415) 425-8460 m
kwang@spur.org

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San Francisco | San Jose | Oakland

April 4, 2019

Government Audit & Oversight Committee
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

RE: April 4, 2019 Agenda, Item 5 (Board File 190319)
Resolution Opposing California State Senate Bill No. 50 — OPPOSE

Dear Supervisors Mar, Brown and Peskin

Thank you for the opportunity to weigh in on Supervisor Mar's proposed resolution to oppose State Senator Scott Wiener's Senate Bill 50. SB 50 represents an important environmental effort to overcome barriers to the creation of infill homes in the right places — close to major transit and in high opportunity areas — throughout California.

SPUR supports SB 50, the More HOMES Act, and opposes this resolution. We are concerned that this resolution undercuts key San Francisco values and aligns this city with some of the most exclusionary jurisdictions in the state.

Passing SB 50 is a much-needed step for California to take in support of the environment and in support of equity. SB 50 merely prevents cities from requiring low-density housing in places close to transit. It does *not* change San Francisco's ability to do community planning, nor does it change the entitlements or CEQA process for projects.

SB 50 also establishes statewide inclusionary housing in cities that do not have policies like San Francisco's, and allows higher local inclusionary housing policies like San Francisco's to prevail. This will increase the number of affordable housing units produced in other, less responsible cities and will also increase the number of affordable housing units produced in San Francisco.

SB 50 respects local tenant protections policies and local demolition controls in addition to respecting local inclusionary requirements.

SB 50 provides for enhanced community planning processes in communities at risk of gentrification and displacement. As others have noted, many of the neighborhoods of concern in San Francisco that might

not be included in this definition today are already zoned for higher-density housing through our own planning processes and would experience little impact from SB 50.

SB 50 will result in increased production of smaller-scale, missing-middle-type housing in neighborhoods that today only allow single-family or two-family homes.

SPUR opposes the proposed resolution. SB 50 is a thoughtful and nuanced update to last year's SB 827, keeping the environment front and center and genuinely addressing many of the concerns raised by equity advocate. We suggest that this committee and the full Board reconsider supporting this resolution to remain on the right side of history.

Please feel free to contact me with any questions. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kristy Wang', written over the printed name.

Kristy Wang
Community Planning Policy Director

CC: State Senator Scott Wiener
Mayor London Breed
SPUR Board of Directors

Carroll, John (BOS)

From: SchuT <schuttishtr@sbcglobal.net>
Sent: Thursday, April 04, 2019 6:55 AM
To: Carroll, John (BOS)
Subject: Rules Committee Hearing 4/4 on SB 50 and A Secret Superpower, Right in Your Backyard - The New York Times

Categories: 2019.04.04 - GAO, 190319

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Please include this email in the file as public comment opposing SB 50 due to the impact on rear yards for today's (April 4, 2019).

Dear Supervisor Mar,

Good morning.

I cannot attend your hearing on Thursday at the Rules Committee.

I wanted to send you this article in case you did not know about it, on the importance of rear yards in dealing with climate change, because some of the scenarios in SB50 show elimination of rear yards, which is ironic because Senator Wiener says his bill will fight climate change. San Francisco is blessed with much private green/open space that deserves Preservation.

I hope the article arrives...if not you can find it online if you are interested as there were several about this study.

Sincerely,

Georgia Schuttish

<https://www.nytimes.com/2018/03/06/climate/yard-garden-global-warming.html>

Sent from my iPad

Carroll, John (BOS)

From: sbardell@aol.com
Sent: Thursday, April 04, 2019 3:25 AM
To: Carroll, John (BOS)
Subject: Fwd: NO on SB 50

Categories: 2019.04.04 - GAO, 190319

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Mr. Carroll:

Kindly share with Govt Audit and Oversight at this morning's meeting.

Many thanks,

Serena Bardell for Golden Gate Valley Neighborhood Association.

From: sbardell <sbardell@aol.com>
Date: Wednesday, April 3, 2019
Subject: NO on SB 50
To: Catherine.Stefani <Catherine.Stefani@sfgov.org>
Cc: ellie.millerhall <ellie.millerhall@sfgov.org>



Dear Supervisor Stefani:

Golden Gate Valley Neighborhood Association strongly opposes SB 50. It represents a "suicide pill" for the entire *raison d'être* of such organizations, since this kind of group exists to keep its area livable for residents and the proposal would replace local practices with mandatory, statewide formulas. It would obviate the need for planning in its historic role, handing all decisions on land use to father--that is state--knows best.

This measure would wreak particular havoc on the qualities that make San Francisco a world-admired jewel of beauty and proportion, attracting admirers by the millions, along with filmmakers and photographers.

GGVNA does not believe Bay Area, statewide, and nationwide issues of homelessness or affordable housing can or should be solved by building a horde of out-of-scale structures within the city, changing historic neighborhoods into air-, light-, backyard-, and view-stealing centers of homogeneous, utilitarian architecture.

Future generations will not thank us for shirking our obligation to preserve this exceptional space that is in our trust. They will look at old photos and shout back at us through the years, "How could you?"

Thank you for your assistance in defeating this wrong-headed bill.

Yours truly,

Serena Bardell, member of GGVNA board and writing on its behalf

Carroll, John (BOS)

From: Karen Wood <karenmillerwood@gmail.com>
Sent: Thursday, April 04, 2019 12:13 AM
To: Carroll, John (BOS)
Cc: Mar, Gordon (BOS)
Subject: Supporting Supervisor Mar's Resolution Opposing SB 50_April 4, 2019 Agenda Item 190319

Categories: 2019.04.04 - GAO, 190319

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Mr. Carroll,
Please include this emailed message for consideration by the Government Audit and Oversight Committee re: Agenda Item 190319. Thank you for your help.
KarenWood

Dear Supervisors Brown, Mar, and Peskin:

I'm writing in support of Supervisor Mar's resolution opposing California Senate Bill 50 which transfers land use management authority from California local governments to the State. San Francisco's General Plan shares key objectives with SB 50-- providing increased transit accessible housing to meet sustainability and transportation needs, while moderating housing prices by increasing zoned housing capacity--but land use decisions must remain under the authority of local governments, as these best understand and respond to local needs and conditions. Thank you for your consideration.

Sincerely,

Karen Wood
35 Sequoia Way
San Francisco, CA 94127

Carroll, John (BOS)

From: philippe vendrolini <vendrolini@gmail.com>
Sent: Wednesday, April 03, 2019 10:48 PM
To: Carroll, John (BOS)
Cc: Marstaff (BOS)
Subject: SB 50 hearing tomorrow Oppose SB 50

Categories: 2019.04.04 - GAO, 190319

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello, I received your contact info from Gordon Mar.

I can't be at the hearing as I have a work conflict and heard about the hearing 2 days ago, but wanted to add a comment for tomorrow's hearing to show our support to Supervisor Mar:

We fully support Supervisor Mar motion to oppose SB 50 unless amended:

-SB50 is not a housing bill but a Developer/Real Estate bill, it would in essence add more unaffordable units on the market and irreversibly transform the character of our neighborhoods. The real winners from this bill would be DEVELOPERS, which all of a sudden would be able to purchase and convert small to medium sized Single Family Home into giant Multi Level/Multi Units = create more non-affordable housing, because that's where the biggest ROI is.

-SB50 takes away our ability as a community to plan for our city.

-To be effective and address housing needs and affordability issues in SF, I could imagine a version of this bill which would force developers to build/add a significant portion of affordable units in their project.

-San Franciscans don't want to hand over their city's future to private developers.

Philippe And Shari Vendrolini
337 Liberty Street
94114
415 260 1368

Carroll, John (BOS)

From: Brian Pritchard <aquatic7@gmail.com>
Sent: Wednesday, April 03, 2019 5:47 PM
To: Fewer, Sandra (BOS); Stefani, Catherine (BOS); Peskin, Aaron (BOS); Haney, Matt (BOS); Brown, Vallie (BOS); Mar, Gordon (BOS); Yee, Norman (BOS); Mandelman, Rafael (BOS); Ronen, Hillary; Walton, Shamann (BOS); Safai, Ahsha (BOS)
Cc: Carroll, John (BOS)
Subject: Please oppose SB 50
Categories: 2019.04.04 - GAO, 190319

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisors,

I am writing to you in support of Supervisor Mar's resolution opposing SB 50. I am against SB 50 because upzoning further exacerbates speculative behavior that has fueled our affordability crisis. I urge you to vote in support of this resolution.

Thank you,

Brian Pritchard

Vallie.Brown@sfgov.org, Gordon.Mar@sfgov.org, Norman.Yee@sfgov.org, Rafael.Mandelman@sfgov.org,
Hillary.Ronen@sfgov.org, Shamann.Walton@sfgov.org, Ahsha.Safai@sfgov.org

Cc: johncarroll@sfgov.org

Bcc:

Date: Wed, 3 Apr 2019 13:49:41 -0700

Subject: SB 50

Dear Supervisors,

As a 35 year resident of Noe Valley, I support Supervisor Mar's resolution opposing SB 50.

SB 50 does not address the lack of affordable housing,-- the main cause of our housing crisis. Instead it supports the development of still more market rate or luxury housing accessible to only a small percentage of our residents, Please vote in support of Mar's resolution, which, among other things, amends the incentives in SB 50 to apply only to affordable housing.

Thank you,

Regards.

Jim Morrell

308 Elizabeth St

SF 94114

Carroll, John (BOS)

From: carol britschgi <queenann51@gmail.com>
Sent: Wednesday, April 03, 2019 1:39 PM
To: Fewer, Sandra (BOS); Stefani, Catherine (BOS); Peskin, Aaron (BOS); Haney, Matt (BOS); Brown, Vallie (BOS); Mar, Gordon (BOS); Yee, Norman (BOS); Mandelman, Rafael (BOS); Ronen, Hillary; Walton, Shamann (BOS); Safai, Ahsha (BOS)
Cc: Carroll, John (BOS)
Subject: SB 50

Categories: 2019.04.04 - GAO, 190319

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisors,

I am a native San Franciscan of the Noe Valley, and I am writing to express my support of Supervisor Mar's resolution opposing SB 50. SB 50 will not fix our housing crisis and if anything, it will exacerbate our affordability crisis. There is no shortage of multi-million dollar homes for sale but there is a shortage of housing affordable to 90% of our residents. We need more affordable housing and NOT luxury market-rate housing affordable to only a few. This bill does nothing for that. I urge you to vote in support of this resolution.

Thank you,
Carol Britschgi

Carroll, John (BOS)

From: Mike Silverman <mgsilverman60@gmail.com>
Sent: Wednesday, April 03, 2019 12:39 PM
To: Fewer, Sandra (BOS); Stefani, Catherine (BOS); Peskin, Aaron (BOS); Haney, Matt (BOS); Brown, Vallie (BOS); Mar, Gordon (BOS); Yee, Norman (BOS); Mandelman, Rafael (BOS); Ronen, Hillary; Walton, Shamann (BOS); Safai, Ahsha (BOS)
Cc: Carroll, John (BOS)
Subject: SB 50

Categories: 2019.04.04 - GAO, 190319

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisors,

I am a Noe Valley resident and am writing to you in support of Supervisor Mar's resolution opposing SB 50 unless amended. I am opposed to SB 50 because it's a giveaway to developers with very little value capture for the public such as affordable housing, money for schools, transit, and infrastructure. I urge you to vote in support of this resolution.

Thank you,

Michael Silverman
4317 Cesar Chavez St, SF. 94131

Mike Silverman
mgsilverman60@gmail.com

Carroll, John (BOS)

From: Karel Konvicka <karel.kk@gmail.com>
Sent: Wednesday, April 03, 2019 12:30 PM
To: Fewer, Sandra (BOS); Stefani, Catherine (BOS); Peskin, Aaron (BOS); Haney, Matt (BOS); Brown, Vallie (BOS); Mar, Gordon (BOS); Yee, Norman (BOS); Mandelman, Rafael (BOS); Ronen, Hillary; Walton, Shamann (BOS); Safai, Ahsha (BOS)
Cc: Carroll, John (BOS)
Subject: Please oppose SB 50
Categories: 2019.04.04 - GAO, 190319

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisors,

I live in Noe Valley and I'd like to express my full support for Supervisor Mar's resolution opposing SB 50. This upzoning proposed in SB 50 will significantly increase traffic and congestions at a point when we already face severe issues with the number of cars on San Francisco roads and does not provide solutions for infrastructure. We don't need another giveaway to developers who would benefit further from this broad brush of upzoning. This does not suite anyone but speculators and developers. At a time that we're faced with the worst affordability crisis in the history of California, we should come up with housing solutions for low- and middle-income people, not the 1 percent. SB 50 does none of that and that is why I urge you to vote in support of this resolution.

Thank you,
Karel Konvicka

Carroll, John (BOS)

From: Quan, Daisy (BOS)
Sent: Wednesday, April 03, 2019 12:02 PM
To: Carroll, John (BOS)
Cc: local415@gmail.com
Subject: FW: SB 50

Categories: 2019.04.04 - GAO, 190319

Hi John,

Please add this to the public file for Supervisor Mar's Resolution on SB 50.

Daisy Quan
Legislative Aide
Supervisor Gordon Mar
415.554.7462

-----Original Message-----

From: Bill McLaughlin [mailto:local415@gmail.com]
Sent: Wednesday, April 03, 2019 11:33 AM
To: Quan, Daisy (BOS) <daisy.quan@sfgov.org>
Subject: SB 50

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Daisy,

Please register my support for Gordon's opposition to SB 50 - The truth is SF has done it's share on density. Most of the long-time residents I talk with don't want the City to turn into Manhattan. One solution is to incentivize other Bay Area towns and cities along BART to rezone for higher density and job growth. Another solution needs to address the housing demand coming from non-individuals: ie demand from investment entities both foreign and domestic. Our crisis is happening in many major cities worldwide. Average middle income and working people are NOT ABLE to fairly compete for a home with these highly capitalized sources. I know this is a tough cookie to crack, but it's got to be done. As the experts have already said, we can't build our way out of this challenge.

Thanks for listening.

Great work so far!

Bill McLaughlin
1834 45th Ave
SF, CA
94122

Carroll, John (BOS)

From: Kate Elswit <kelswit@gmail.com> on behalf of Kate Elswit <kate@somethingmodern.org>
Sent: Wednesday, April 03, 2019 11:42 AM
To: Mar, Gordon (BOS)
Cc: Carroll, John (BOS); Mandelman, Rafael (BOS)
Subject: Support for Resolution agains SB-50

Categories: 2019.04.04 - GAO, 190319

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Gordon Mar,

I have already called my supervisor, Rafael Mandelman, but I am writing to convey my support for your resolution opposing SB-50. As you have so rightly pointed out, this is a giveaway to developers and a trickle-down plan that will do nothing to address the affordability crisis in this city.

Thank you,
Kate

Carroll, John (BOS)

From: John & Carol Broderick <cjbroderick4@yahoo.com>
Sent: Wednesday, April 03, 2019 11:18 AM
To: Fewer, Sandra (BOS); Stefani, Catherine (BOS); Peskin, Aaron (BOS); Haney, Matt (BOS); Brown, Vallie (BOS); Mar, Gordon (BOS); Yee, Norman (BOS); Mandelman, Rafael (BOS); Ronen, Hillary; Walton, Shamann (BOS); Safai, Ahsha (BOS)
Cc: Carroll, John (BOS)
Subject: SB 50
Categories: 2019.04.04 - GAO, 190319

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisors,

I am a long time resident of Noe Valley and I am writing to express my support of Supervisor Mar's resolution opposing SB 50. SB 50 will not fix our housing crisis and if anything, it will exacerbate our affordability crisis. There is no shortage of multi-million dollar homes for sale but there is a shortage of housing affordable to 90% of our residents. We need more affordable housing and NOT luxury market-rate housing affordable to only a few. This bill does nothing for that. I urge you to vote in support of this resolution.

Thank you,

John and Carol Broderick

Carroll, John (BOS)

From: Stan Hayes <stanhayes1967@gmail.com>
Sent: Tuesday, April 02, 2019 2:12 PM
To: Mar, Gordon (BOS); Brown, Vallie (BOS); Peskin, Aaron (BOS)
Cc: Yee, Norman (BOS); Fewer, Sandra (BOS); Haney, Matt (BOS); MandelmanStaff, [BOS]; Ronen, Hillary; Safai, Ahsha (BOS); Stefani, Catherine (BOS); shamannwalton@sfgov.org; Carroll, John (BOS); Board of Supervisors, (BOS)
Subject: SUPPORT - Proposed Resolution of Opposition to SB 50
Attachments: THD ltr SB 50 3.26.19.pdf
Categories: 2019.04.04 - GAO, 190319

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Supervisors -

On behalf of the Telegraph Hill Dwellers, we **STRONGLY SUPPORT** your proposed resolution opposing Senate Bill 50. Please see also our attached letter to relevant Senate committees.

We all understand that California is in a housing crisis. We need to build more housing that is affordable, especially for those who most need it. But, SB 50 is not the way to do it.

We absolutely agree with you that SB 50 would undermine community participation in planning, prevent the public from recapturing a fair portion of the economic benefits to private interests, and restrict protection of San Francisco's most vulnerable communities from displacement and gentrification.

SB 50 would up-zone 96% of San Francisco. All without a hearing, and no matter what City zoning says. All without the public having even a say.

Please do not let SB 50 strip away your – and the public's– fundamental right to decide on our City's land use future.

Please pass this resolution. Please send it on its way to the full board to adopt.

Thank you,

Stan Hayes

Chair, Planning & Zoning Committee
Telegraph Hill Dwellers

March 26, 2019

To: Senate Housing Committee
Senate Governance and Finance Committee

Re: Oppose Senate Bill 50 (2019)



On behalf of Telegraph Hill Dwellers, I write to express our serious concerns about the impacts that State Senator Scott Weiner's SB 50 would have on the neighborhoods of Telegraph Hill and North Beach. Because SB 50's usurping of local control and zoning laws is keyed to a property's proximity to public transit, 96% of San Francisco's parcels would be effectively up-zoned – including all of North Beach and Telegraph Hill.

Among our many issues and concerns with AB 50, we share the following:

(1) **SB 50 sanctions the demolition of our existing housing stock and destruction of long-established neighborhoods.**

We strongly object to Sacramento's attempted override of local land use controls, an overreach that would strip away communities' fundamental and long-held prerogatives to control the growth and development of their own communities and deny local residents even a say in their own community's land use future. Our concerns are particularly troubling when core underpinning assumptions of SB 50 are in doubt, as shown in recent research concluding that "the short-term, local-level impacts of upzoning are higher property prices but no additional new housing construction" (see Y. Freemark, "Upzoning Chicago: Impacts of a Zoning Reform on Property Values and Housing Construction," *Urban Affairs Review*, January 29, 2019).

SB 50 could lead to the destruction of existing affordable and rent-controlled housing in our long-established neighborhoods by conferring enormous value to land owners and speculators, while the City receives nothing in return. The SF Planning Department's case report notes that when paired with the Housing Accountability Act (HAA), SB 50 "could" lead to the destruction of properties because the increase in density will ensure that any local demolition control is preempted by the state. Not only does this render San Francisco's demolition controls unenforceable, it contradicts San Francisco's long-established land use policies as enshrined by the general plan that existing housing is the greatest stock of rental and financially accessible residential units, and is a resource in need of protection.

Local jurisdictions, particularly charter cities like San Francisco, must be able to limit the application of SB 50 to exclude all lots with existing housing – or, preferably, SB 50 should specifically carve out San Francisco for its application.

(2) **SB 50 lacks any real tenant protections.**

North Beach, including Telegraph Hill, has one of the highest concentrations of multi-family rental and rent-controlled housing in the City. SB 50's proposed seven-year prohibition - if

tenants were in the building -- and a 15-year cooling off period if there was an Ellis Act eviction - - are insufficient tenant protections. Any property that has had an Ellis Eviction should be off the table. Any building that has tenants subject to rent control or a rental stabilization law should be off the table. SB 50 is severely lacking in this regard and would allow clever owners (and their attorneys) to circumvent these inadequate protections.

The state legislature should either eliminate the Ellis Act altogether or limit much of the speculation that fuels evictions under the Act, by requiring property owners to live in the building for at least 5 years before they are allowed to evict tenants using the Ellis Act.

(3) **SB 50 contains no protection for historic buildings and historic districts.**

San Francisco was not built in a day. Our City, including the historic neighborhoods of North Beach and Telegraph Hill, is what it is because of the beauty and magic of our historic buildings and neighborhoods. SB 50 fails to realize that a City of all new multifamily buildings in the “architecture of today” in place of existing buildings would fundamentally change the nature of our city.

Local jurisdictions, particularly charter cities like San Francisco, must be able to limit the application of SB 50 to exclude any building that is landmarked locally or at the state or national level and any building that may be eligible for listing at the local state or national level. This will help to ensure protection of our historic city and neighborhoods.

(4) **SB 50 does nothing to address the infrastructure plans and costs needed to accommodate these new developments.**

The new growth that SB 50 will cause would strain the City’s existing infrastructure, including utilities such as sewer, water and power, fire, police and parks, as well as our public transportation system. SB 50 provides no funding to meet the increased needs, but will foist such expenses on the City.

Further, existing state law preempts local control to address the traffic congestion problems caused by TNCs (i.e. Uber and Lyft). Although the use of TNCs will increase with additional growth, SB 50 does nothing to alleviate this situation.

* * * * *

While we agree that there is a housing problem, the issue is *affordable* housing. SB 50 will only add to the motivation for developers and speculators to focus on the production of market-rate housing at the expense of the City’s existing housing stock of financially accessible residential units and lead to further evictions of long-term tenants. Please express your opposition to SB 50.

Thank you for considering our comments and recommendations.

Sincerely,



Judy Irving, President

Carroll, John (BOS)

From: :) <gumby5@att.net>
Sent: Tuesday, April 02, 2019 11:34 AM
To: Peskin, Aaron (BOS); Mar, Gordon (BOS); Brown, Vallie (BOS)
Cc: Safai, Ahsha (BOS); Stefani, Catherine (BOS); Ronen, Hillary; Haney, Matt (BOS); Yee, Norman (BOS); Mandelman, Rafael (BOS); Fewer, Sandra (BOS); Walton, Shamann (BOS); Breed, Mayor London (MYR); Carroll, John (BOS); Board of Supervisors, (BOS)
Subject: CSFN Letter - Oppose SB-50
Attachments: CSFN-SB50 Oppose GAO Letter.pdf
Categories: 2019.04.04 - GAO, 190319

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Honorable Supervisors Mar, Brown & Peskin of the Government Audit & Oversight Committee:
Please see attached letter previously sent to Planning Commission & the state legislators.

Thank you.

Sincerely,

/s

Rose Hillson

CSFN, Chair LUTC

As authorized by the CSFN General Assembly

Carroll, John (BOS)

From: :) <gumby5@att.net>
Sent: Tuesday, April 02, 2019 10:16 AM
To: Carroll, John (BOS)
Cc: Board of Supervisors, (BOS); olhart120@gmail.com
Subject: FW: No on SB-50
Attachments: JPIA SB-50 GAO Comm Ltr.pdf

Categories: 2019.04.04 - GAO, 190319

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Mr. Carroll/Clerk to the Board of Supervisors Angela Calvillo/BOS:
For your official records is the earlier submitted text on JPIA letterhead.
Thank you.
Rose Hillson

From: Owen Hart <olhart120@gmail.com>
Date: April 1, 2019 at 8:25:00 PM PDT
To: Catherine.Stefani@sfgov.org, Vallie.Brown@sfgov.org, Sandra.Fewer@sfgov.org,
Matt.Haney@sfgov.org, MandelmanStaff@sfgov.org, Gordon.Mar@sfgov.org,
Aaron.Peskin@sfgov.org, Hillary.Ronen@sfgov.org, Ahsha.Safai@sfgov.org,
Shamann.Walton@sfgov.org, Norman.Yee@sfgov.org, MayorLondonBreed@sfgov.org
Subject: No on SB-50

Jordan Park Improvement Association
120 Jordan Avenue, San Francisco, CA. 94118

April 1, 2019

Dear Elected Officials,

We are writing to express our strong opposition to State Senator Scott Wiener's proposed bill, SB-50. The proposed bill will: (i) lead to increased evictions because of its weak renter protections, as real estate owners sell their assets to developers seeking to take advantage of bill's proposed increased densities; (ii) Increase demolition of single family homes and low-rise multi-unit residential properties; (iii) Increase building heights (up to 75') in many predominantly residential neighborhoods, irreparably changing the character of neighborhoods; (iv) overburden S.F.'s already congested roads and public transportation systems; and (v) increase the density of the city's neighborhoods while reducing sunlight, parks, vegetation, parking and open space. The bill will likely result, not in the development of affordable housing, but in the development of more luxury condominiums as developers seek to maximize their profits. The bill's provisions will destroy the human scale of the city's neighborhoods, one of the attributes that makes the city a special place to live.

The bill also represents a subrogation of the city's, and its citizen's, rights to those of the

state. The bill indiscriminately robs our communities of the fundamental right of determining how we want our neighborhoods to look and the grow. It prescribes a “one size fit all” for density and building heights fostering the further “Manhattanization” of the city San Francisco. If it is supported by our elected representatives, it also represents an abrogation of their duties to San Francisco’s citizens and residents. Residential development to meet the housing needs of San Francisco requires a much more nuanced and subtle approach which respects the current urban fabric of all neighborhoods. SB-50 is a sledge hammer where a tack hammer is required.

Sincerely,

Owen L. Hart
President, Jordan Park Improvement Association

Jordan Park Improvement Association

120 Jordan Avenue, San Francisco, CA. 94118

April 1, 2019

Dear Elected Officials,

We are writing to express our strong opposition to State Senator Scott Wiener's proposed bill, SB-50. The proposed bill will: (i) lead to increased evictions because of its weak renter protections, as real estate owners sell their assets to developers seeking to take advantage of bill's proposed increased densities; (ii) Increase demolition of single family homes and low-rise multi-unit residential properties; (iii) Increase building heights (up to 75') in many predominantly residential neighborhoods, irreparably changing the character of neighborhoods; (iv) overburden S.F.'s already congested roads and public transportation systems; and (v) increase the density of the city's neighborhoods while reducing sunlight, parks, vegetation, parking and open space. The bill will likely result, not in the development of affordable housing, but in the development of more luxury condominiums as developers seek to maximize their profits. The bill's provisions will destroy the human scale of the city's neighborhoods, one of the attributes that makes the city a special place to live.

The bill also represents a subrogation of the city's, and its citizen's, rights to those of the state. If it is supported by our elected representatives, it also represents an abrogation of their duties to San Francisco's citizens and residents. Residential development to meet the housing needs of San Francisco requires a much more nuanced and subtle approach which respects the current urban fabric of all neighborhoods. SB-50 is a sledge hammer where a tack hammer is required.

Sincerely,

Owen L. Hart

President, Jordan Park Improvement Association

Carroll, John (BOS)

From: Board of Supervisors, (BOS)
Sent: Monday, April 01, 2019 6:17 PM
To: BOS-Supervisors; Carroll, John (BOS)
Subject: FW: Opposing SB 50 and any amendments

Categories: 2019.04.04 - GAO, 190319

From: George K. Merijohn, DDS <merijohn@merijohn.com>
Sent: Sunday, March 31, 2019 8:03 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Opposing SB 50 and any amendments

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

I am emailing to advise you that I oppose SB 50 completely and as our representatives, I urge you to also oppose this grossly misguided bill.

Further – NO amendments are acceptable. SB-50 will just be used to undermine San Francisco in the future

Thank you,

George K. Merijohn, DDS
www.merijohn.com 415.929.6965
Assistant Professor UC San Francisco and University of Washington Postdoctoral Periodontology

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Carroll, John (BOS)

From: Board of Supervisors, (BOS)
Sent: Monday, April 01, 2019 5:01 PM
To: BOS-Supervisors; Carroll, John (BOS)
Subject: FW: opposition to SB-50

Categories: 2019.04.04 - GAO, 190319

From: Cheryl delamere <delamere.cheryl@gmail.com>
Sent: Monday, April 1, 2019 12:03 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: opposition to SB-50

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

As a 22 yr homeowner in the Sunset I totally oppose SB-50. The only development I would approve is government funded affordable housing at transportation hub intersections. We have enough expensive apartments and condos. Cheryl delamere

Carroll, John (BOS)

From: Board of Supervisors, (BOS)
Sent: Monday, April 01, 2019 5:01 PM
To: BOS-Supervisors; Carroll, John (BOS)
Subject: FW: Oppose SB 50

Categories: 2019.04.04 - GAO, 190319

-----Original Message-----

From: Jan M Hudson <jhudson44@icloud.com>
Sent: Monday, April 1, 2019 11:11 AM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Oppose SB 50

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Please oppose SB50, as it will destroy the character of our city. It is not the way to increase housing and is only a windfall for developers.

Jan Hudson

Sent from my iPhone

Carroll, John (BOS)

From: Board of Supervisors, (BOS)
Sent: Monday, April 01, 2019 11:47 AM
To: Carroll, John (BOS)
Subject: FW: Please Support SB50

Categories: 190319

-----Original Message-----

From: Jacob Medaris <jacobmedaris@icloud.com>
Sent: Wednesday, March 27, 2019 10:29 PM
To: Yee, Norman (BOS) <norman.yee@sfgov.org>
Cc: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Please Support SB50

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisor Yee,

As a resident of your district, I urge you to support SB 50 in the state legislature. San Francisco has been underproducing housing for decades and we need to reduce the stranglehold exclusionary zoning has had in our city to cause it to have one of the highest rents and real estate prices in the world. We need more homes for everyone, not just the rich. I live in a neighborhood filled with mega mansions, I would like to see some more apartment buildings in District 7 that are transit accessible.

Please do not the BOS resolution to oppose Senator Weiner's bill. My future depends on the passage of SB 50.

Thank you,

Jacob Medaris
60 Mercedes Way
San Francisco, CA 94127



Upzoning Under SB 50: The Influence of Local Conditions on the Potential for New Supply

Jared Nolan,
Graduate Student Researcher, Turner Center

Project Team: Dr. Carolina Reid, Dr. Karen Chapple, Jared Nolan, and Simon Hochberg

As California's housing crisis worsens, policy-makers are increasingly exploring new ways to expand housing supply, particularly in areas with access to public transit and in cities that have a jobs/housing imbalance. One policy that could help is known as "upzoning." Upzoning occurs when the zoning code that governs a parcel of land is relaxed to allow for greater building height or density: this can increase housing supply by making it possible for developers to build more units on a piece of land than they were previously allowed.

There are at least two bills being considered in the California state legislature that propose to upzone land in cities across the state: Senate Bill 50 and Senate Bill 4 (See Box A). Each of these bills aim to encourage more housing development to address the state's severe housing shortage. SB 50, proposed by Senator Wiener, focuses on relaxing zoning requirements around transit stations and job-rich areas.¹ SB 4, proposed by Senators McGuire and Beall, seeks to eliminate single-family zoning by allowing construction of two-unit buildings across the state. SB 4 also proposes to slightly increase density around rail stations above what is currently allowed.²

In this brief, we explore what might happen were SB 50 to pass by taking a detailed look at local market conditions in four case study neighborhoods. Local context shapes financial and physical feasibility. When SB 827, the predecessor to SB 50, was under consideration, estimates of its impact on new housing supply were optimistic. Yet, most of these estimates focused on aggregate devel-

opment potential and did not consider the on-the-ground reality of other zoning provisions that may influence development, what types of projects might pencil out, or what the existing stock looks like.

For example, Urban Footprint, producers of a software application that can analyze planning policies geographically, focused on three BART stations in the East Bay and found upzoning would have a dramatic impact. In the area around MacArthur Station, they estimate that the number of new housing units would increase from 4,447 units today to 27,156 under SB 827. Around the Rockridge Station, new housing would increase from 4,096 to 25,500 units. And in Orinda, Urban Footprint projected an increase from 731 to 12,090 units around that BART station.³ A report from the McKinsey Global Institute similarly analyzed the maximum number of units it would be physically possible to locate on parcels around transit stations in California given current zoning restrictions.⁴ They estimated that it would be possible to build up to three million units within a half-mile of high-frequency public transit stations. A study by the Urban Displacement Project and Mapcraft Labs focused on the Bay Area and produced estimates for how many additional units could be feasibly be produced across the entire region. The authors concluded that "SB 827 would have produced a six-fold increase in financially-feasible market-rate housing capacity and a seven-fold increase in financially-feasible inclusionary unit capacity."⁵

In this brief, we present an explanation of the local factors that will influence the implementation of SB 50 should it pass, and provide stakeholders with a more nuanced look at how SB 50 could impact the development calculus faced by a real estate developer in

Box A: Summary of Upzoning Legislation

SB 50 is focused on increasing housing supply near high-quality public transit and in job-rich areas. A transit station is considered high-quality if it is served by any kind of fixed rail or if it is a bus station that has:

- » average headways⁶ of 15 minutes or less during the morning peak (6-10am) and evening peak (3-7pm)
- » average headways of 20 minutes or less during weekdays (6am-10pm)
- » average headways of 30 minutes or less on weekends (8am-10pm)

Job-rich areas are defined in the bill’s amendments based on proximity to jobs, high area median income relative to the region, and high-quality public schools.

Under SB 50, different upzoning measures apply to parcels within a half-mile of rail stations and a quarter-mile of bus stations. Box Table 1 provides an overview of the bill’s provisions. The legislation’s main effect is to remove all caps on residential density and most minimum parking requirements, and raise the height limit and the Floor Area Ratio (FAR) limits.

Box Table 1: Upzoning Proposed Under SB 50

	0-0.25 mi of Rail Station	0.25-0.5 mi of Rail Station	0-0.25 mi of Bus Station
Density Restriction	No maximum residential density	No maximum residential density	No maximum residential density
Parking Requirement	No minimum parking requirement	No minimum parking requirement	Minimum parking requirement of 0.5 spots per unit (unless current minimum is less)
Maximum Height Limit	55 feet (unless current height limit is higher)	45 feet (unless current height limit is higher)	No change
Maximum FAR	3.25 (unless current max FAR is higher)	2.5 (unless current max FAR is higher)	No change

The bill also includes restrictions and mitigations that are designed to minimize the potential negative impact of upzoning on lower-income, rental neighborhoods vulnerable to displacement. The bill lays out a restriction on the demolition of buildings that are affordable or have been occupied by renters in the last seven years. Additionally, there is a process to delay implementation of SB 50 in sensitive communities, allowing them to develop a community plan. The bill also proposes an inclusionary zoning stipulation that requires the developer to build a certain number of affordable units in the development.

SB 4 seeks to eliminate zoning that restricts development to single-family homes. The bill would enact a ministerial approval process for construction of a “neighborhood multi-family project” of up to two units in a nonurban community, or a project of up to four units in an urban community. In other words, the local agency has to approve the project without any discretionary oversight, unless it conflicts with objective standards, in which case the local agency has to inform the developer within a certain time frame.

SB 4 encourages development within a half-mile of rail or ferry stations by allowing projects to increase their height by one story above the current height limit. The bill also eliminates parking requirements for these transit-oriented development (TOD) projects, but to qualify for this bonus, the bill requires TOD projects with 10 units or more to have a minimum of 30 percent of units affordable to households earning 80 percent of the area median income.

certain types of neighborhoods. We examine four case studies that represent three different types of neighborhoods likely to be most impacted if SB 50 becomes law. While not representative of the entire state, we believe that these case studies reveal factors that are relevant to understanding the impacts of upzoning on new development, even if the intersection of those factors differ based on neighborhood history, geography, and housing, demographic, or socio-economic conditions. In addition, this brief does not lay out specific recommendations: rather, it seeks to provide a shared understanding of the practice of upzoning, what may or may not be

built and why, and raise issues that policy-makers should consider in their discussions of SB 50 and other upzoning legislation.

Methodology

Because of the role of local market conditions in influencing the likely impacts of upzoning, we decided to focus on a few representative case study neighborhoods in cities across California to unpack what it would mean to upzone a neighborhood around a high-quality transit stop. The case study approach has its

strengths and weaknesses. The strength of this approach is that we can more accurately and thoroughly assess how local conditions influence the development potential of upzoning. However, given the diversity of California's neighborhoods, these case studies may not reflect all of the different kinds of places that may be affected.

The case study approach is most effective when selecting neighborhoods that are “representative” of a specific neighborhood typology, meaning that they share comparable baseline characteristics. We selected our case studies by analyzing data on the demographic, economic, and built-form characteristics of neighborhoods served by high-quality transit. We clustered 10,550 qualifying station areas according to these data to produce a neighborhood typology.⁷ We found that we could group high-quality transit areas into five relatively distinct neighborhood types based on variables including race, income, education, density, age of buildings, type of buildings, cost of housing, and job accessibility (See the Appendix for the full list of variables used in the clustering analysis). The clusters can be characterized as: (1) high density/high income, (2) high density/low income, (3) low density/high income, (4) low density/low income, and (5) low density/diverse.

Out of the five resulting clusters, we assumed that since the two high-density clusters (1 and 2) contained a significant share of large multi-family buildings, it is probable that developers can already construct the kind of buildings allowed by SB 50. We did not look further into these two types of neighborhoods since the impact of SB 50 would likely be small. The three remaining clusters (3, 4, and 5) are more likely to be impacted by upzoning because they are less dense and have older buildings, meaning that it would be possible to intensify land use through upzoning around these stations. Two of these three clusters (low density/low income and low density/diverse) also have a greater share of lower-income renters and people of color, suggesting that specific consideration should be given to the potentially negative impacts that upzoning may create in these areas. The third cluster (low density/high income) could be characterized as “high opportunity” neighborhoods, in that they have low poverty and unemployment rates, good accessibility to jobs, and are more likely to be majority white. In addition, their lower density—coupled with high rents—might allow for a meaningful impact of upzoning.

We selected four case study neighborhoods from the three cluster types to gain a deeper understanding of how upzoning would affect the development picture. The case studies we selected for this analysis are the Menlo Park Caltrain station (representing the low density/high income cluster), the Fruitvale BART station in Oakland and the Soto St. Metro station in the Boyle Heights neighborhood of Los Angeles (both representing the low density/low income cluster), and the Allessandro Ave-Oak Glen Pl. bus station in the Silver Lake/Echo Park neighborhood of Los Angeles (representing the low density/diverse cluster, as well as a high-frequency bus transit neighborhood as opposed to a fixed rail station). Table 2 in the Appendix presents data on the characteristics of each of these four case study neighborhoods. It is important to note that although we have selected these neighborhoods to represent the three clusters, every neighborhood has its own history, topography, and characteristics that impact development.

Using these case study neighborhoods, we sought to answer the following questions:

- » How much land around each of these stations would be eligible for upzoning?
- » What is the potential for upzoning, given parcel sizes and what already exists on the land?
- » How will SB 50 influence the zoning restrictions that impact what can be built?
- » How does financial feasibility differ across neighborhoods?

The rest of the brief answers these questions, highlighting both the potential of SB 50 to significantly increase the supply of housing (including new affordable units), as well as important caveats that policy-makers should consider as they refine the legislation.

Current Zoning Matters: High-Quality Transit Neighborhoods Have Different Amounts of Land Available for Residential Development

The first question driving this analysis was, “How much land around each of these stations would be eligible for upzoning?” SB 50 applies to parcels that are zoned for any type of residence as a permitted use.⁸ This means that a parcel must be either zoned residential or commercial. If it is zoned “commercial”, the city’s code must allow for residential development as a permitted use. The zoning codes in Oakland, Menlo Park, and Los Angeles allow residential to be built on commercially-zoned land, but this may not be true in all jurisdictions. Figure 1 shows where residential is a permitted use in the half-mile radius around the four case study stations. Since the Silver Lake station is a bus stop, SB 50 would only apply within a quarter-mile radius of the stop, which is designated by the black circle on the map.⁹

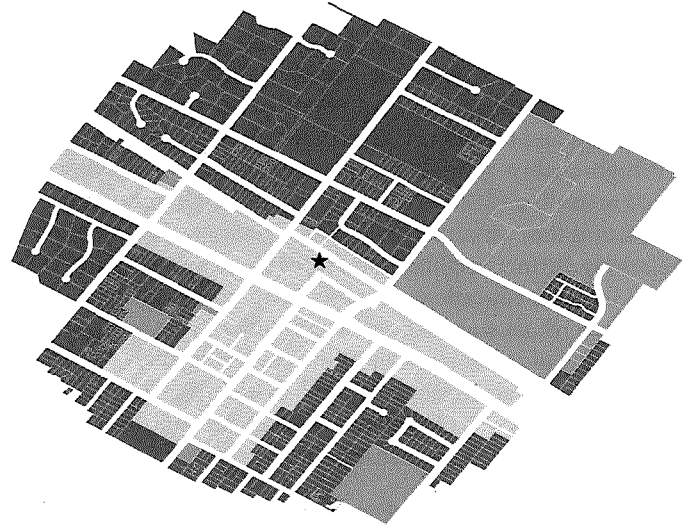
Dark blue designates areas where residential is the only permitted use (e.g. a single-family or multi-family zoning) and light blue designates areas that are mixed-use (e.g. commercial or transit-oriented development). We find that a significant share of the land around transit is zoned for either industrial or “office” use, neither of which would be affected by SB 50. For example, in the Fruitvale neighborhood, 11 percent of land is zoned for industrial, and in Menlo Park, 12 percent of the land is zoned for office.

Overall, the share of land that would be covered under SB 50 varies across the four case studies: from 57 percent in Fruitvale and Boyle Heights, to 62 percent in Silver Lake. Table 1 contains a more refined breakdown of these numbers. Part of this difference is due to historical land use in the area. Fruitvale was historically an industrial area, some of which persists, but is slowly being converted to a housing-business mix. Former industrial sites that have been reclassified as mixed-use could be used for new housing, but will also likely require more environmental remediation, which can raise the costs of construction. The Silver Lake bus stop, on the other hand, is in an almost entirely residential area.

Figure 1: Residentially-Zoned Areas within Station Neighborhoods

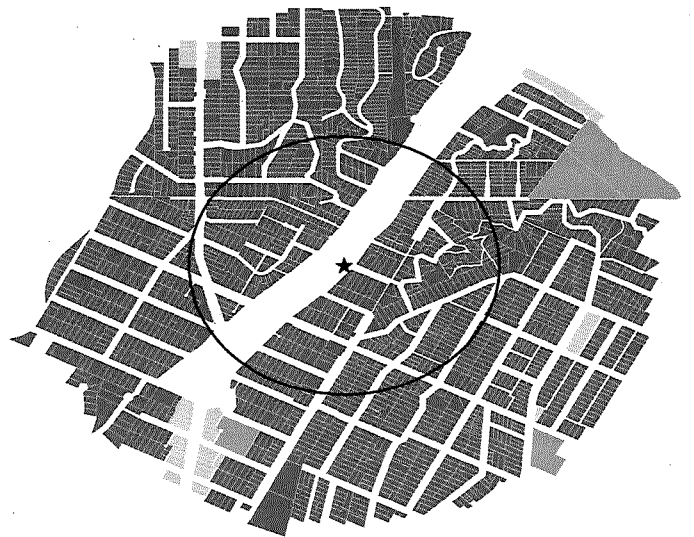
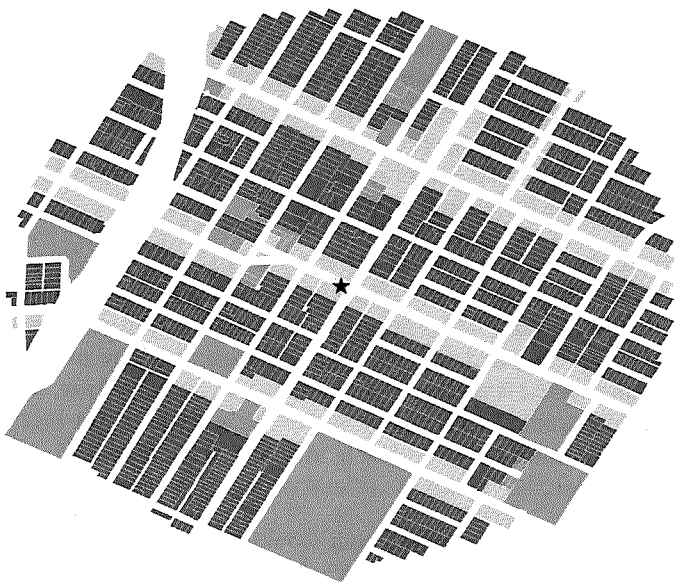
Fruitvale





Menlo Park



Boyle Heights

Silver Lake



-  Residential only (e.g. single-family or multi-family zoning)
-  Mixed use including residential (e.g. commercial, transit-oriented development, etc.)
-  Not available for residential (e.g. office, industrial, etc.)
-  Transit station

Note: Maps represent a half-mile radius around transit stop. Because Silver Lake is a bus station, the black circle designates the quarter-mile buffer.

Table 1: Share of Land Area with Residential as a Permitted Use

Land Use	Fruitvale		Menlo Park		Boyle Heights		Silver Lake	
	Acres	Share	Acres	Share	Acres	Share	Acres	Share
Residential a Permitted Use	289	57%	311	60%	289	57%	81	62%
Single-Family Residential	0	0%	112	22%	0	0%	34	26%
Multi-Family Residential	122	24%	104	20%	219	43%	47	36%
Mixed-Use	49	10%	95	18%	0	0%	0	0%
Commercial	118	23%	0	0%	70	14%	0	0%
Residential NOT a Permitted Use	58	11%	100	19%	84	17%	19	14%
Industrial	55	11%	0	0%	0	0%	0	0%
Public Facilities	0	0%	27	5%	64	12%	19	14%
Office	0	0%	64	12%	0	0%	0	0%
Open Space	4	1%	10	2%	17	3%	0	0%
Parking	0	0%	0	0%	4	1%	0	0%
Street Network	160	32%	110	21%	137	27%	31	24%
Total	507	100%	522	100%	511	100%	131	100%

Source: Author's calculations; see appendix for data sources; Note: For Fruitvale, Menlo Park, and Boyle Heights the total is the land within the half-mile radius, and for Silver Lake the total is the land within the quarter-mile radius. "Parking" refers to zoning and not actual parking structures: for example, in Fruitvale, the parking lot is designated TOD and allows mixed-use.

A Significant Share of Parcels around Transit Are Small, Limiting the Likelihood that SB 50 Will Lead to Large (50 units +) Multi-Family Developments

A second question was, "How big are the existing parcels?" The maps in Figure 1 show the outlines of the parcel boundaries. Because Fruitvale and Menlo Park have more commercially-zoned land, they also tend to have larger parcel sizes (and more vacant land), while Boyle Heights and Silver Lake's current building stock is characterized by smaller lots and denser development.

Parcel size and configuration are critically important in shaping the potential for real estate development. Smaller parcels in particular will reduce the impact of upzoning policies. For example, to reach the maximum height limit of five stories allowed in SB 50, buildings need to be large enough to support all of the necessary building infrastructure. Most five-story buildings need to have an elevator, which the structure needs to be able to accommodate and finance. To provide a sense of the necessary parcel size, we analyzed form-based codes and found that the minimum lot dimensions recommended for a five-story, mid-rise structure approximated a lot width of 75–100 feet and a lot depth of 100–180 feet.¹⁰ Those dimensions equate to minimum lot sizes from 7,500 square feet up to 18,000 square feet. This lot size is recommended to accommodate the bulk of the building.

We examined the size of parcels in each of the case study neighborhoods and found that most parcels around these transit stations are sized for detached single-family homes (around 5,000 square

feet or less). Individually, the smaller 5,000 square-foot parcels may support construction of a multi-family building with up to 12 units, though not much denser. This land pattern can support slightly denser development than detached single-family homes, but assembling these parcels to build much larger structures would be challenging, even if SB 50 allowed for more stories. In order to assemble parcels, a developer would need to identify contiguous parcels with owners that are willing to sell and that have not been occupied by renters in the last seven years.

Within these case studies, the lower-income neighborhoods (Boyle Heights and Fruitvale) contain smaller residential parcels than the higher-income neighborhoods (Silver Lake and Menlo Park). For example, comparing the blue bars in Figure 2B (acreage in parcels less than 5,000 square feet), Fruitvale and Boyle Heights had much more land in these smaller parcel sizes than the other two neighborhoods. Menlo Park has over half of its land in parcels greater than 20,000 square feet (171 acres across 148 parcels).

In addition to the parcel geometry, the current utilization of the land area will also influence the potential for development. If there is more vacant or underutilized land, then there are more opportunities for development, but if every parcel is built on, then the land is more expensive due to existing improvements. SB 50 also places restrictions on demolition, which would make it harder to build on land with existing structures. To assess the potential for new development in the case study neighborhoods, we examined how many of the residentially-zoned parcels are underutilized. We consider a parcel as "underutilized" if it has more than 5,000 square feet that is not occupied by a building. 5,000 square feet is around the smallest footprint that could support a four to five-

Figure 2A: Number of Parcels by Size

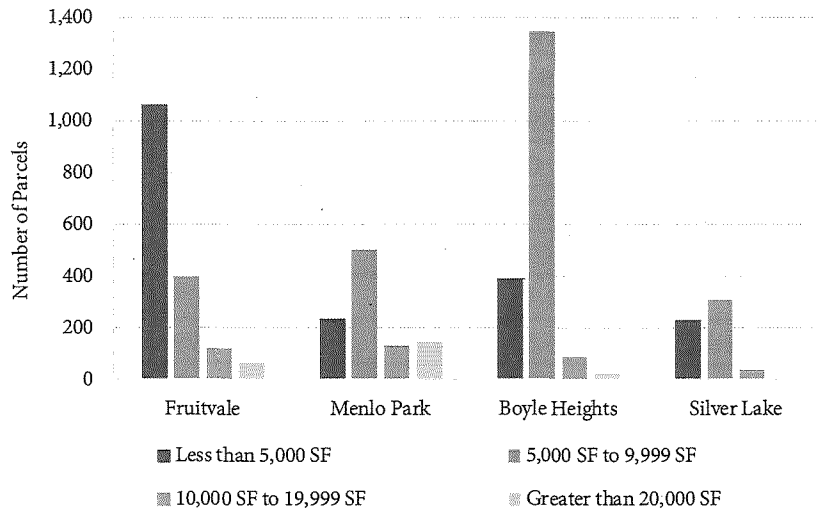
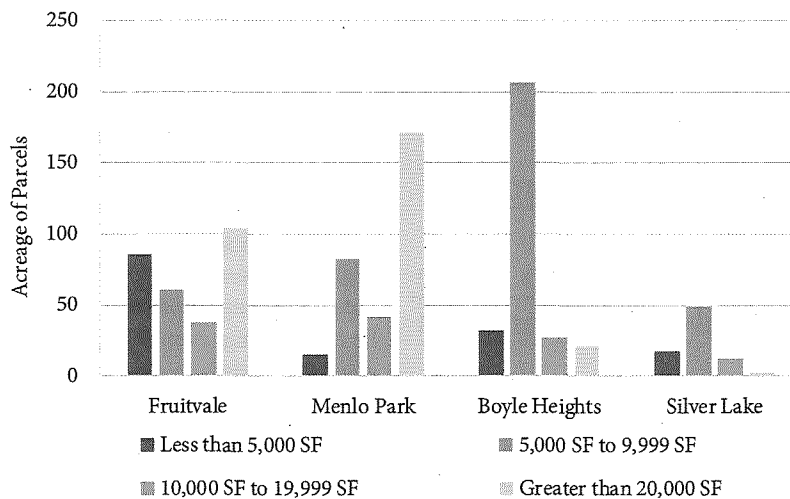


Figure 2B: Acreage by Parcel by Size



Source: Author's calculations; see appendix for data sources

story building. An important caveat here is that unbuilt land may not necessarily be in a shape that is developable (e.g. the unbuilt land could be spread around the parcel or in terrain that is hilly or otherwise undevelopable, as is the case in the Silver Lake neighborhood).

Table 2 shows that Menlo Park and Silver Lake have more underutilized parcels overall, and that those underutilized parcels comprise a greater share of the total number of parcels over 5,000 square feet. The total unbuilt area of those underutilized parcels shows that there is more land available around those stations as well. Some of these parcels are unlikely to be developed, however, since they represent institutional or community uses. In Menlo Park, for example, there are two parcels that are each around 10 acres (a combined six percent of the land zoned residential in the station area) that contain a monastery and religious retreat center. Buildings only occupy around 10 percent of these parcels, leaving over 18 acres undeveloped.

Figure 3 illustrates a similar concept: the improvements to value ratio. The ratio is calculated by dividing the value of the improvements (how much a structure on the property is worth) by the total value of the property (the value of the improvements + the value of the land). For example, if a property had a house worth \$500,000 (the improvements) and the land is worth \$500,000, then the improvements to value ratio is 50 percent. If the parcel is vacant or being used as a surface parking lot, the ratio is zero percent.

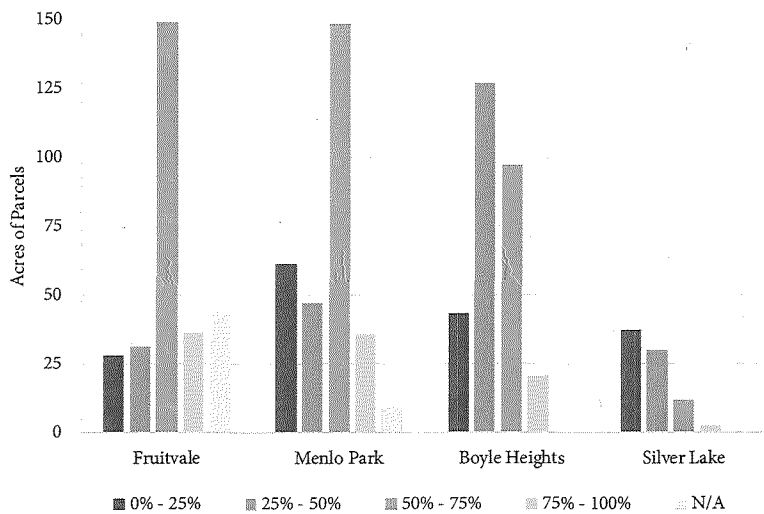
Again, Menlo Park and Silver Lake have the most land that is in the lowest improvement ratio category, which suggests that they have a lot of underutilized land that could be built on. These findings indicate that the higher-income Menlo Park and mixed-income, diverse Silver Lake may provide more potential development opportunities than the lower-income Fruitvale and Boyle Heights neighborhoods. In all neighborhoods, however, there is a substantial amount of land that could be built on and SB 50 could unlock significant development potential on these sites.

Table 2: Share of Underutilized Parcels

Neighborhood	Residential Parcels over 5,000 SF	“Underutilized” Residential Parcels over 5,000 SF	Percentage	Total Unbuilt Area of “Underutilized” Parcels (SF)
Fruitvale	583	257	44%	4,727,591
Menlo Park	785	430	55%	8,041,888
Boyle Heights	1,462	297	20%	2,396,853
Silver Lake	351	213	61%	1,587,440

Source: Author’s calculations; see appendix for data sources

Figure 3: Improvements/ Value Ratio for Parcels by Average



Source: Author’s calculations; see appendix for data sources

Table 3: Renter-Occupied Apartments

	Fruitvale		Menlo Park		Boyle Heights		Silver Lake	
	Acres	Share	Acres	Share	Acres	Share	Acres	Share
Contains Residential Renters	47	16%	90	30%	117	41%	27	33%
No Residential Renters	241	84%	211	70%	170	59%	54	67%
Total	288	100%	301	100%	287	100%	81	100%

Source: Author’s calculations; see appendix for data sources. Acres do not match Table 1 due to missing data on some parcels.

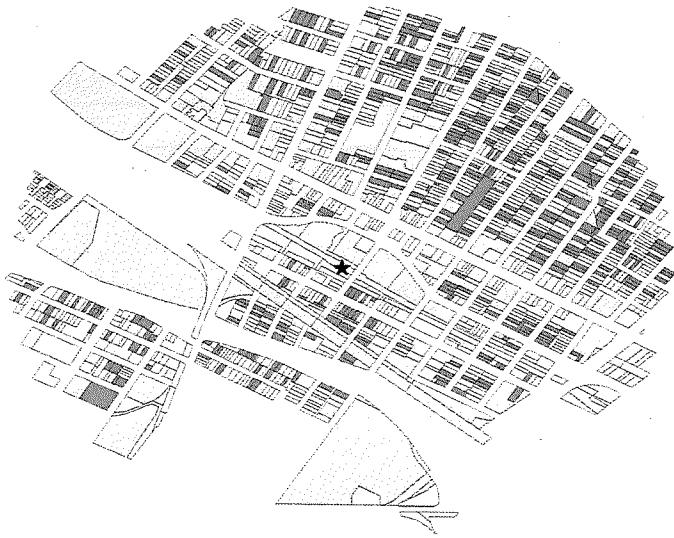
That said, a significant share of these lower valued lots are occupied, meaning that it is not a straightforward process to acquire and build on the land. Both SB 50 and SB 4 include a provision that forbids the demolition of buildings occupied by renters (SB 50 looks back seven years and SB 4 looks back 10 years), in an effort to prevent displacement.¹¹ In all four of these neighborhoods over half of the population rents, which means this provision will have a big impact. To get a sense for how much land this would affect, we looked at assessor’s data and designated parcels as renter-occupied if the assessor’s data said it was not owner-occupied and it contained at least one bedroom. Table 3 shows that in Boyle

Heights, over 40 percent of the land available for residential use is currently occupied by renters. (It is not possible to tell from the data whether there has been a renter in the building in the past seven years, which would only increase the share of properties protected in each neighborhood.) The share is lower in Fruitvale due to large quantities of former industrial land that are not occupied. In general, these results should be considered underestimates of renter occupation. Figure 4 shows the parcels occupied by renters in red (gray parcels allow residential use and are not renter-occupied), which demonstrates how this provision will make it harder for developers to assemble parcels to build larger structures.¹²

Figure 4: Residentially-Zoned Areas within Station Neighborhoods

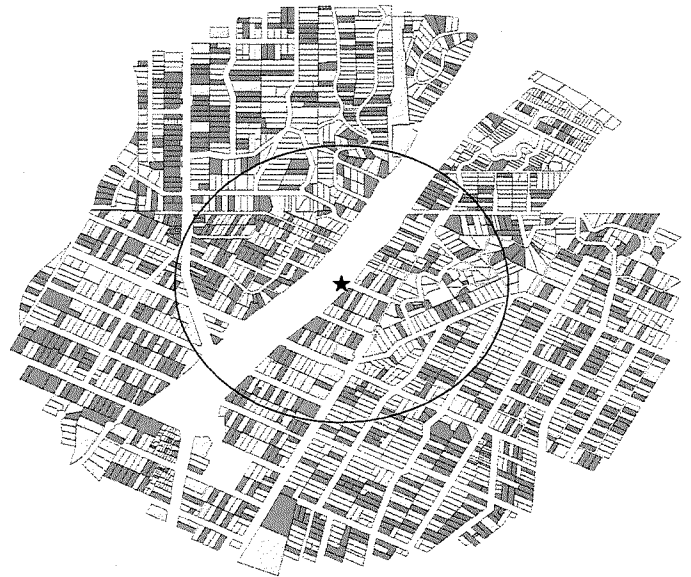
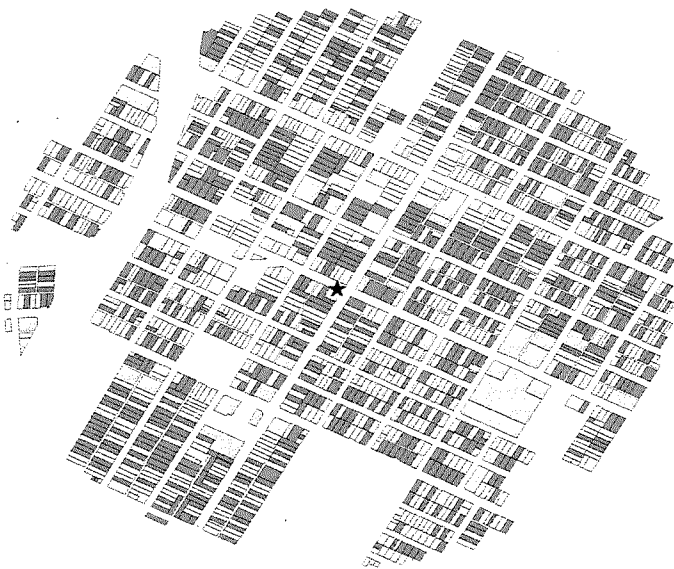
Fruitvale


Menlo Park





Boyle Heights

Silver Lake



 Not renter-occupied and allows residential use

 Renter-occupied

 Transit station

Even with SB 50, Existing Zoning Regulations May Still Constrain Development in Some Cities

SB 50 explicitly addresses four of the most common zoning regulations that constrain residential development: height limits, floor-area ratios (FARs), density limits, and minimum parking requirements. Maximum densities limit the number of households that can occupy a parcel. Typically they are expressed in dwelling units per square feet of lot area. For example, in Menlo Park the R1U Single-Family Urban Residential zone has a maximum density of one dwelling unit per 7,000 square feet of lot area. Minimum parking requirements are typically expressed in terms of spaces per unit. Parking can severely limit the usable area of the lot because it requires access to the street and internal circulation. Height limits constrain how tall a building can be and the floor-area ratio limits the bulk of the building and is calculated by dividing the total floor area of the building by the size of the lot. For example, a FAR of 1.0 would allow a developer to build either a one-story building that occupies the entire lot, a two-story building that occupies half of the lot, a three-story building that occupies a third of the lot, and so on. These constraints work together to limit the size of the building and how many people can live in it. Relaxing these constraints is believed to have an impact on housing supply because it allows a developer to build a larger structure on the same parcel and divide it into more units, allowing more people to live there.

But there are additional standards embedded in local zoning codes that SB 50 does not explicitly address. These standards also work to constrain the maximum “building envelope,” or how much of the lot the building can occupy and how tall it can be. Examples of these additional zoning standards include:

- » Front, side, and rear setback requirements (how close to the edge of the parcel the building can extend in all directions)
- » Daylight plane restriction to limit the casting of shadows (similar to a setback, but it restricts how tall a building can be at certain distances from the parcel boundary)
- » Maximum lot coverage (limiting how much of the parcel the building footprint can occupy)
- » Minimum yard/open space requirement (specifying how much of the lot needs to be left undeveloped and may exclude impermeable land that has been paved for parking)

These additional zoning requirements differ widely across cities. For example, Table 4 lays out the additional zoning restrictions for a parcel zoned R1U Single Family Urban in Menlo Park.

If these additional zoning requirements remain in place, they would continue to severely constrain the development envelope. For example, consider a 5,000 square foot parcel in Menlo Park that is 50 feet wide and 100 feet deep and located within a quarter to half-mile of the rail station. The building footprint would be constrained by the maximum building coverage of 35 percent, resulting in a footprint of 1,750 square feet. Due to the daylight plane, this maximum footprint could only apply to the first two

Table 4: Additional Zoning Requirements in Menlo Park

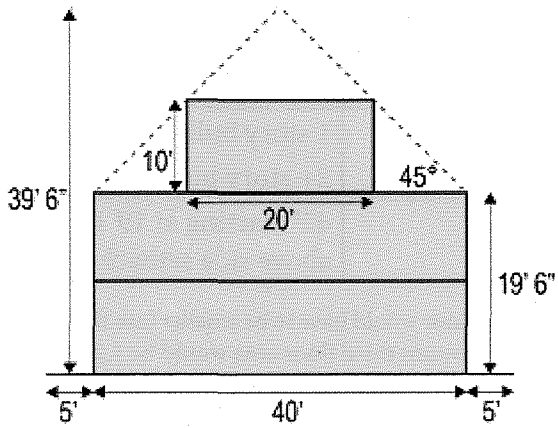
Minimum Front Setback	20'
Minimum Rear Setback	20'
Minimum Side Setback	5-12'
Maximum Building Coverage	1 story building: 40% 2+ story building: 35%
Daylight Plane	45° starting at 19' 6" above side setback

stories, and the third floor would have to be smaller (see the left side of Figure 5). The maximum third floor area would be 1,200 square feet, and it would not be possible to build a fourth floor. The total gross square footage of this building would be 4,700 square feet. Assuming a building efficiency of 75 percent (25 percent is devoted to common spaces like an entrance foyer, stairs, and hallway), that leaves around 3,500 square feet of leasable space. This means that even with SB 50, the lot could only be divided into five units that average 700 square feet each.

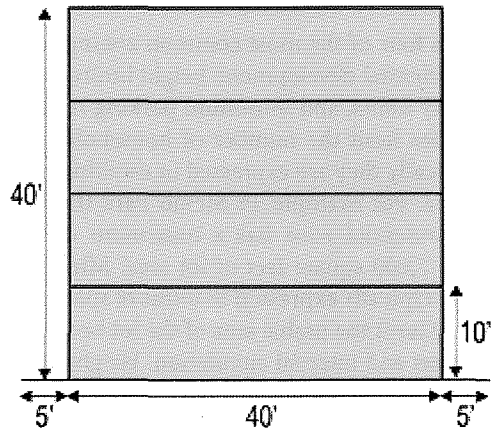
Compare that result to a parcel that was only subject to the height limit and FAR imposed by SB 50 (the right side of Figure 5). The limiting factor would be the FAR of 2.5, which would allow 12,500 gross square feet of development. This could be spread across four floors within the 45' height limit, resulting in a building footprint of 3,125 square feet. This footprint could be accomplished with 5' setbacks on either side and a combined 22' to divide across the front and back (for example, a 5' front setback and 17' rear setback). Assuming again 75 percent building efficiency results in 9,375 square feet of leasable space, which could generate 13 units that average over 700 square feet each—more than twice as many units.

Figure 5: Comparison of Building Envelopes

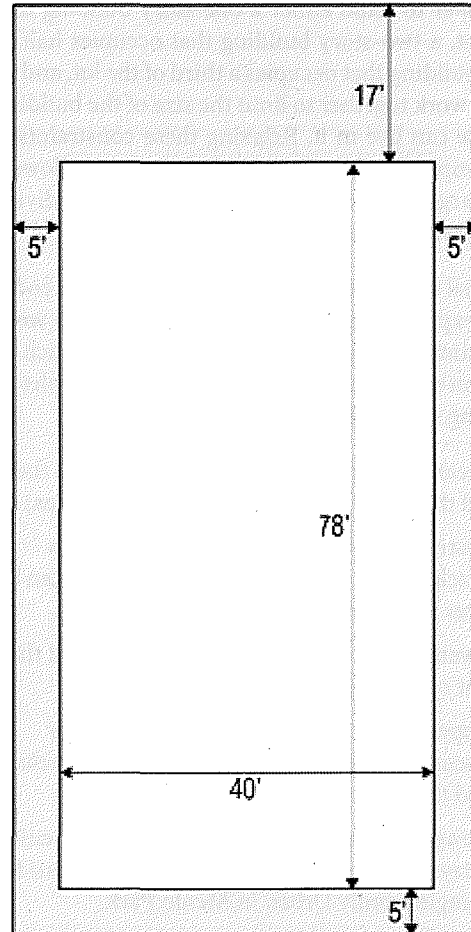
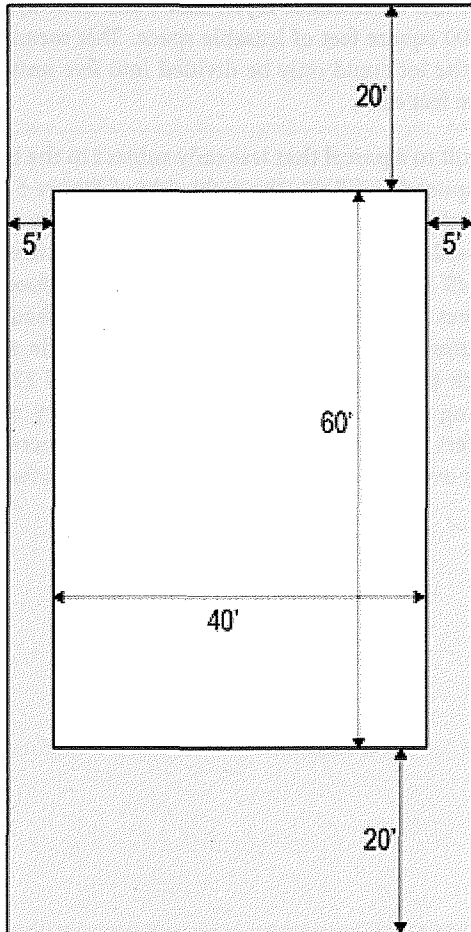
Envelope with Remaining Restrictions



Envelope after Removing All Restrictions

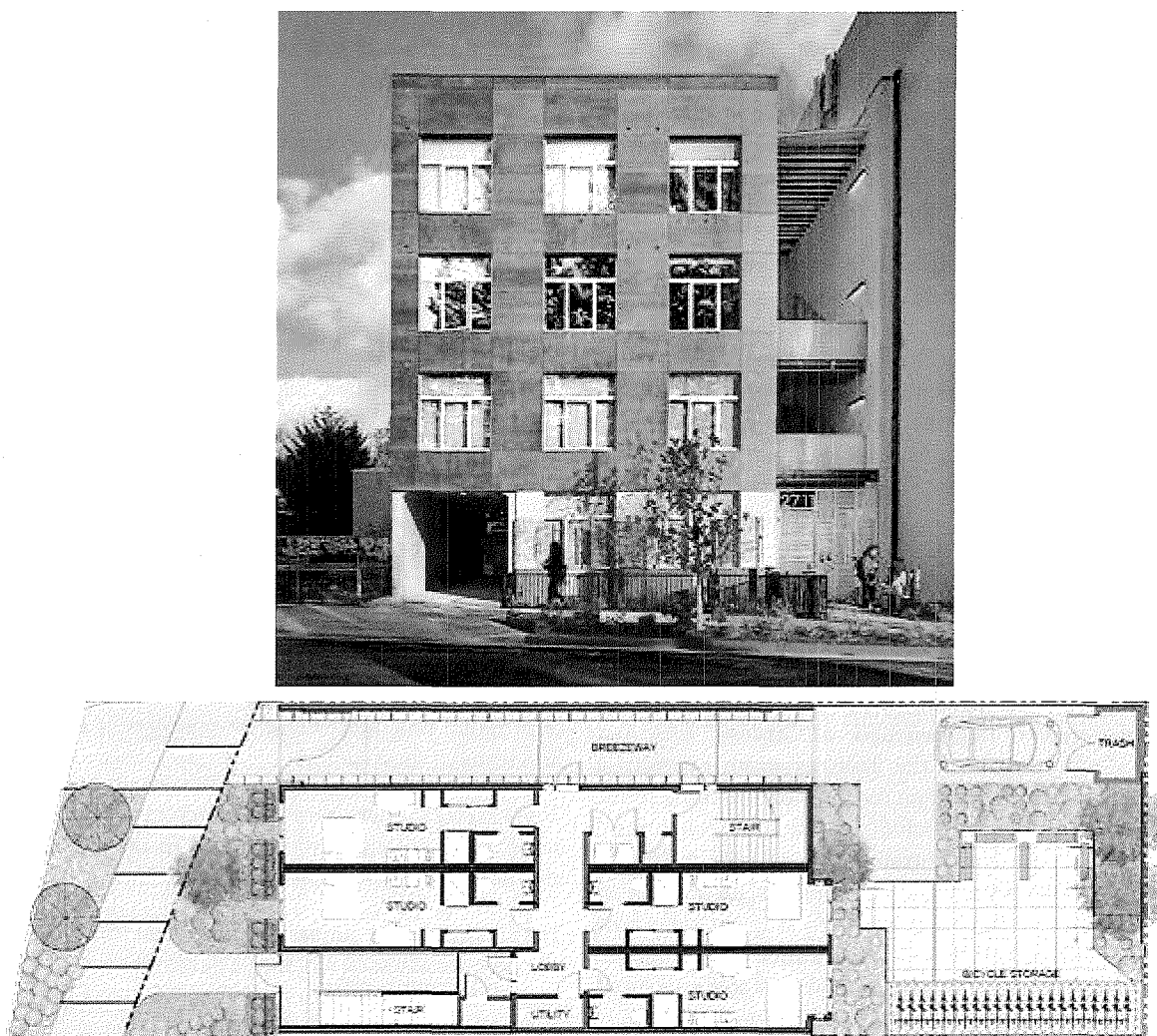


Front



Top

Figure 6: 2711 Shattuck Façade and Ground Floor Site Plan



A recent development in Berkeley provides a helpful example of this size of project. The building, shown in Figure 6 and developed by Panoramic Interests, sits on a narrow 5,200 square foot lot and is four-stories tall.¹³ The footprint of the building is small, but it still fits 22 studios at around 300 square feet each. There are no side setbacks in this example, but the building is set back from the sidewalk and there is a large rear setback that accommodates a patio and parking for bicycles and one car.

The variation of these requirements across cities is one of the factors that makes it very difficult to assess the overall production potential of an upzoning policy. Because each city has its own zoning standards, even for the same “R1” code, a more comprehensive assessment of the development impact of SB 50 would necessitate a database of all of those standards for every city, something that currently does not exist.

One potential solution to overcome these constraints is to ensure that SB 50 works in tandem with the state’s Density Bonus Law (Section 65915–65918 of California State Law). The Density Bonus Law grants developers up to three additional incentives or conces-

sions if 30 percent of the project’s units are affordable to lower-income households (60 percent of area median income) that could be used to address the additional zoning constraints described above. For example, these concessions could be used to waive the daylight plane requirement, the maximum lot coverage, and the front setback to build up to the maximum FAR. The application of the Density Bonus Law according to the SB 50 language is unclear, however, since SB 50 does not state whether the project needs to have 30 percent affordable units to receive all three concessions or whether the project would automatically receive the concessions allowed under the Density Bonus if it meets SB 50 inclusionary requirements.

It is also unclear how SB 50 would integrate into a city’s existing specific plans. A specific plan is a planning document that applies to a certain area within a city and systematically implements the city’s general plan.¹⁴ Specific plans often contain land use plans, infrastructure plans, and development and design standards. Cities devote considerable resources to prepare Environmental Impact Reports (EIRs) for their specific plans to comply with the California Environmental Quality Act (CEQA). Subsequent develop-

ment projects can essentially piggyback on that EIR and receive what is called programmatic-level CEQA approval. That way developers who are pursuing larger projects do not need to go through an entire CEQA process as long as they adhere to the guidelines in the specific plan. This can be a big incentive to development since the uncertainty caused by CEQA is a major deterrent to large projects. As a result, where a specific plan is in place developers may choose to use the specific plan's guidelines instead of SB 50, even if the upzoning would allow more units on the property.

Menlo Park provides a good example. In 2012 the city enacted the El Camino Real Downtown Specific Plan, which covers a significant portion of the half-mile radius around the Caltrain station.¹⁵ Among other regulations, the specific plan imposes a maximum density on residential development (ranging from 18.5 to 60 dwelling units per acre), height limits (primarily 38' but up to 60' in select areas), and parking minimums (one space per unit). The SB 50 legislation would loosen all three of those restrictions for most of the specific plan area, but it is unlikely that the programmatic-level CEQA approval would apply if developers do not adhere to the specific plan guidelines. If the approval does not extend, then developers may choose to follow the more restrictive specific plan guidelines to avoid CEQA review, which would limit the impact of SB 50.

Another lingering question is how SB 50 would apply in Los Angeles, which recently implemented a "Transit Oriented Communities (TOC)" program. The TOC program provides a density bonus to projects that contain five or more dwelling units, are near a major transit stop, and include on-site affordable units.¹⁶ The bonus depends on the type of transit stop and the proximity to it, but includes a 50-80 percent increase in units, an increase in FAR, and a decrease in parking requirements. It is not clear how SB 50 will interact with parcels that qualify for LA's TOC program, though an early conversation with Senator Wiener's staff suggested that SB 50 would not apply to TOC areas. However, TOC only applies to projects that contain five or more units. SB 50 does not specify a minimum size to which its upzoning provisions apply: as a result, SB 50 may still apply to parcels that are zoned for one to four units where the programs overlap.

Upzoning, and SB 50, could be a powerful tool to produce more housing, but lawmakers will have to consider how they expect the law to interact with these local conditions and regulations for it to achieve the desired goal of building more housing around high-quality transit areas.

Financial Feasibility Differs Across Neighborhoods

Just because a building is allowed to be built does not mean it will be. Even after a developer finds an adequate parcel and navigates the local zoning code, the project still has to make financial sense to be viable. Financial feasibility is determined in part by the "cost of capital," which is driven by market conditions. For example, developers rely on institutional investors like pension funds to provide capital that requires a certain rate of return. Lenders require a minimum loan-to-value ratio before providing debt on a project, and require the developer to conduct a market analysis to make sure the project will produce enough cash flow from rents or sales to pay back the loan. Developers also build in some degree of profit to pay for staff and to compensate for the risk they are assuming in acquiring the land and building the property. Overall, there are a number of factors that determine whether a real estate development will "pencil out," which simply means that the long-term rental potential will offset the costs of development. Table 5 lists some of these factors.

These factors differ dramatically across markets meaning that the same development may pencil out in one neighborhood but not another, even with the benefits of upzoning.

To illustrate how important financial feasibility is to project viability, we assessed whether a developer would choose to build a similar 12-unit, four-story building on a lot in Menlo Park and in Fruitvale, pursuant to the benefits of upzoning as allowed under SB 50. Table 6 lays out a simple pro-forma calculation that a developer might make when considering these projects. We selected two parcels that were around 5,000 square feet in area, both of which had an existing structure on them. We assumed that the developer

Table 5: Factors Affecting Financial Feasibility

Developmental Factors	Operational Factors
Land costs	Rental/house prices
Construction costs	Operating costs (maintenance, property taxes, insurance, etc.)
Soft costs (architects, engineers, consultants, etc.)	Vacancy rates
Government fees (impact fees, permit fees, etc.)	
Approval process (delays can increase costs)	
Financing terms	

Figure 6: Illustrative Pro-Forma Calculation

	Menlo Park Example	Fruitvale Example
Lot Size	5,043 sq ft	4,933 sq ft
Maximum Building Height	45 ft	45 ft
Max FAR	2.5	2.5
Parking	None	None
Building Details		
Building Footprint	3,125 sq ft	3,083 sq ft
Stories	4	4
Gross Square Feet	12,608 sq ft	12,333 sq ft
NSF / GSF Ratio	75%	75%
Net Leasable Square Feet	9,456 sq ft	9,249 sq ft
Units	12	12
Average Unit Size	788 sq ft	788 sq ft
Total Cost		
Land Cost	\$2,331,840	\$569,526
Per SF Hard Cost	\$285 /sq ft	\$285 /sq ft
Per SF Soft Cost	\$110 /sq ft	\$110 /sq ft
Total Cost	\$7,311,803	\$5,440,864
Income and Expenses		
Rent/SF/Month	\$4.50	\$3.60
Rent/Unit/Month	\$3,546	\$2,775
Total Rent/Year	\$510,604	\$399,573
Vacancy Rate	5%	5%
Gross Income	\$485,074	\$379,594
Expense estimate	\$7,000 /unit/ year	\$6,000 /unit/ year
Gross Expenses	\$84,000	\$72,000
Net Operating Income	\$401,073.56	\$307,594.35
Financials		
Value	\$12,340,725	\$6,151,887
Capitalization Rate	3.25%	5.00%
Return on Cost	5.49%	5.65%
Profit Margin	→ 40.75%	→ 11.56%

Source: Author's calculations; see appendix for data sources

would be able to build up to the maximum FAR of 2.5 on the parcel. The analysis also assumes the building is a rental project; a for-sale project would have different financial assumptions.

In this example, we assumed that construction costs as well as operating expenses would be roughly the same in Fruitvale and Menlo Park, although Menlo Park is assumed to have slightly higher operating expenses.¹⁷ In addition, we assumed that soft costs would be 35–40 percent of the hard costs to account for additional expenses like impact fees.¹⁸ Land prices are much higher in Menlo Park than Fruitvale and it would cost a developer four times as much to buy the land in Menlo Park as in Fruitvale.¹⁹ However, the developer could also demand higher rents: rents in Menlo Park are on average 25 percent higher than in Fruitvale. Perhaps the most important determinant of feasibility, however, is a project’s capitalization rate.²⁰ To determine whether the project is feasible, developers compare the return on cost (which is the first year’s net operating income [rents minus expenses] divided by the total project cost) to the capitalization rate (a market-determined measure that equates to the net operating income divided by the value of the project). If the return on cost is a sufficient spread above the capitalization rate (say 50 basis points or 0.5 percent), then the project makes sense financially.

Despite higher land values, in this example, the Menlo Park project pencils out by a wide margin, since the return on cost is 5.5 percent and the capitalization rate is 3.25 percent. The Fruitvale project, on the other hand, is just on the cusp of viability (the spread is only 65 basis points). This comparison is meant to be an illustrative example only: rents, capitalization rates, and costs are all simplified estimates. Since this example makes favorable assumptions about how many units can fit on the site, it may not be possible in reality. For example, we did not include any parking in the project, but developers would still likely include some parking

to satisfy investors’ underwriting standards. Any parking would add additional costs and reduce the number of units on the site. That being said, the example shows that SB 50 could increase the housing supply substantially in certain areas, while in other markets upzoning alone will not necessarily result in a dramatic increase in housing supply.

The differences in financial viability also influence what level of inclusionary may be possible. Under the recently released bill amendments,²¹ smaller projects like these would be subject to an in-lieu fee and not required to build affordable units on-site. However, it is still helpful to illustrate how different levels of inclusionary units intersect with financial pro-forma analysis to determine what is feasible. To show this dynamic, we imposed a 20 percent inclusionary requirement of affordable units at 80 percent of AMI. In Oakland, 80 percent of AMI for a household of three is \$80,650, which equates to a monthly rent of \$2,016 (compared to the market rent of \$2,775). In Menlo Park, 80 percent of AMI for a household of three is \$105,700, which equates to a monthly rent of \$2,643 (compared to the market rent of \$3,546).

Table 7 shows that requiring two units to be affordable (rounding down from 20 percent) results in the Menlo Park project still being very feasible, but pushes the Fruitvale project into definite infeasibility. If our sample project needed to include affordable housing, then the Fruitvale project would likely not pencil out, even as the Fruitvale neighborhood would benefit from more affordable housing options. This simple example illustrates the difficulty in setting a state-wide inclusionary zoning percentage that can maximize the number of inclusionary units while not preventing new housing from being built. In a future brief, we will focus on this issue of inclusionary housing in more detail to highlight the importance of focusing the state on using a wide range of tools to ensure that new developments include units for lower-income households.

Table 7: Impact of Adding Inclusionary Units

	Menlo Park Project	Fruitvale Project
Market Rate Units	12	12
80% AMI Units	0	0
Value	\$12,340,725	\$6,151,887
Cap Rate	3.25%	5.00%
Return on Cost	5.49%	5.65%
Profit Margin	40.75%	11.56%
Market Rate Units	10	10
80% AMI Units	2	2
Value	\$10,283,938	\$5,126,573
Cap Rate	3.25%	5.00%
Return on Cost	4.57%	4.71%
Profit Margin	28.29%	-6.13%

Conclusion

It is not a simple exercise to understand what the impact of an upzoning policy will be given all of the factors that influence development. As this brief lays out, existing land use, parcel configuration, additional zoning restrictions, and financial considerations will all play a role in how much new housing will be produced under SB 50. All of the research presented here suggests that there will be different impacts in different places. Nevertheless there are important factors that the state legislature should consider as they debate SB 50 and/or other upzoning proposals.

Finally, this brief only considers the upzoning factors that will influence the impact of SB 50 on development potential. Other aspects of the bill—including tenant protections and the definition of “sensitive communities,” the definition of “job-rich” areas, and the inclusionary requirements—will all influence the scale and impact of new developments. Future briefs in this series will consider these important elements of the bill in more detail to bring data-driven analysis to the conversation, and to support the goal of passing legislation that effectively balances housing, equity, and environmental goals.

First, we do find that SB 50 will unlock development potential around high-quality transit sites, and that there is significant promise to converting vacant and/or underutilized parcels into housing. Some of our case study neighborhoods had a significant share of their land area—between 20 to 50 percent—comprising parcels over 5,000 square feet with no buildings on them. This offers up a real opportunity for additional housing, including affordable units. Concerns over how SB 50 may lead to the Manhattan-ization of neighborhoods are also likely overstated. We find that a large share of parcels around our case study transit areas are small—5,000 to 10,000 square feet—and will not likely support large multi-family developments of 200+ units. SB 50 could thus result in a more gradual densification of housing in transit-rich neighborhoods, as underutilized sites become buildings with 10-20 units. This study also does not take into account potential constraints from renter occupancy and demolition prohibitions.

A second important finding, however, is that SB 50 on its own does not remove all the constraints to development on a parcel, and there need to be other limitations on setbacks or daylight planes to ensure that if a parcel does attract new development, it maximizes new supply. In addition, we find that there is variation across case study neighborhoods in terms of how much land is zoned to allow residential uses. Larger parcels around station areas may be zoned industrial or as office space, meaning that they would not be eligible under SB 50, even if they would be strong candidates for new housing development. Cities resistant to new housing could still limit new developments by imposing other restrictions on what is built on a lot, or ensuring that land in transit-eligible areas is zoned for non-residential uses only. Considering how SB 50 will intersect with other laws at both the local and state level, such as Los Angeles’s Transit Oriented Communities program, a city’s specific plan, or the state’s Density Bonus Law, could help to ensure that all of these efforts to address the housing crisis are complementary.

A third finding is that the likelihood of new developments “penciling out” varies significantly across neighborhoods and their unique housing market conditions. This has implications for the level of inclusionary that will be viable, as well as how much new housing the market will support in different neighborhood types. A future brief will explore the issue of inclusionary in more detail (using the thresholds recently added to the bill language), but the example provided here shows the importance of discussing approaches of how to tailor inclusionary requirements to market conditions, rather than setting one target for the entire state.

Appendix A

Table A1: State-wide Clusters: Characteristics of Residents and Housing Stock

Cluster	High Density High Income	High Density Low Income	Low Density Low Income	Low Density High Income	Low Density Diverse
Number of stops	963	1,557	3,305	2,186	2,539
Average population	9,231	12,104	10,699	11,692	9,280
Percent of population that rents	74.7%	92.0%	69.6%	71.1%	40.1%
Percent NH White	46.0%	20.7%	7.7%	57.0%	32.9%
Percent Hispanic	16.8%	41.0%	66.8%	14.8%	27.6%
Percent Black	7.6%	9.7%	15.7%	5.1%	7.1%
Percent Asian	25.4%	25.2%	7.3%	17.9%	27.9%
Percent below 200% of poverty rate	31.4%	61.2%	60.4%	24.2%	25.8%
Unemployment rate	6.4%	10.8%	11.9%	6.1%	7.4%
Percent with bachelor's degree	60.9%	29.6%	12.2%	62.7%	39.0%
Percent of households with children	12.4%	20.7%	45.9%	16.8%	33.1%
Percent single-family detached house	6.2%	6.5%	41.7%	17.6%	57.2%
Percent small multi-family (2-4 units)	4.1%	8.0%	16.2%	25.6%	8.9%
Percent medium multi-family (5-18 units)	10.2%	22.5%	18.6%	30.9%	8.8%
Percent big multi-family (20+ units)	75.7%	59.2%	12.2%	19.1%	10.1%
Percent of housing units vacant	12.6%	9.0%	5.9%	7.2%	5.1%
Percent of units built before 1950	17.9%	41.4%	40.4%	50.5%	33.4%
Percent of units built after 2000	36.5%	13.1%	5.8%	4.9%	6.0%
Average population/square mile	11,639	26,631	15,634	21,620	11,142
Median tract rent / median county rent	1.32	0.76	0.81	1.14	1.12
Jobs within commuting distance	1,092,714	1,465,269	1,187,058	1,093,013	790,501

Table A2: Neighborhood Case Studies: Characteristics of Residents and Housing Stock

Cluster	Fruitvale Station	Soto Station	Menlo Park Station	Silver Lake/ Allesandro Ave Station
Population	11,451	13,064	8,892	8,664
Percent of population that rents	74.6%	83.0%	63.1%	50.1%
Percent NH White	9.9%	2.2%	74.1%	49.1%
Percent Hispanic	65.7%	94.3%	6.3%	32.8%
Percent Black	8.4%	1.0%	0.6%	1.8%
Percent Asian	13.4%	2.0%	14.1%	11.0%
Percent below 200% of poverty rate	55.5%	79.3%	8.9%	20.2%
Unemployment rate	11.8%	15.1%	2.4%	4.1%
Percent with bachelor's degree	21.6%	6.2%	82.9%	55.5%
Percent of households with children	42.5%	46.7%	31.3%	23.3%
Percent single-family detached house	28.3%	36.8%	32.4%	68.7%
Percent small multi-family (2-4 units)	20.9%	17.6%	23.8%	16.6%
Percent medium multi-family (5-18 units)	27.6%	14.3%	9.9%	0.0%
Percent big multi-family (20+ units)	12.8%	15.6%	25.7%	8.1%
Percent of housing units vacant	8.6%	7.4%	6.9%	6.0%
Percent of units built before 1950	17.4%	1.3%	11.2%	4.6%
Percent of units built after 2000	54.7%	56.9%	18.5%	61.2%
Density (population/square mile)	11,602	21,312	6,991	8,052
Median tract rent / median county rent	0.82	0.72	1.07	1.32
Jobs within commuting distance	930,678	1,456,604	500,607	1,707,780

Table A2: Data Sources

Source	Information
Alameda County, Los Angeles County, San Mateo County	Parcel data
Cities of Oakland, Menlo Park, Atherton, and Los Angeles	Zoning information
ACS Census 2017 5-Year Estimates	Demographic data
Yardi	Rent, cap rate, and operating expenses data
Local developers	Construct cost estimates
LandVision	Value of land and improvements, renter-occupancy status
Open Street Maps	Building footprints
Zillow	Land prices
idevelop.city	Parcel information
US Department of Housing and Urban Development	Affordable rents

Endnotes

1. https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200SB50
2. https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200SB4
3. <https://urbanfootprint.com/how-might-sb-827-impact-california/>;
<https://www.nytimes.com/2018/03/19/us/california-today-can-californians-drive-less.html>
4. <https://www.mckinsey.com/featured-insights/urbanization/closing-californias-housing-gap>
5. <https://www.urbandisplacement.org/blog/sb-827-2.0-what-are-implications-bay-area-communities>
6. A headway is how frequently buses arrive at a certain stop. If the headway is 15 minutes, then a bus arrives every 15 minutes.
7. For more information on the clustering process see: http://upzoning.berkeley.edu/station_neighborhoods.html
8. It is unclear whether the policy would apply when residential is a conditional use.
9. The full map is shown for comparability. The analysis only considers parcels that fall within the quarter-mile boundary.
10. Richmond Livable Corridors, City of Richmond, CA Form-Based Code, p. 120-28; Cincinnati Form-Based Code, p. 2-30.
11. We are not aware of an existing data source that tracks this information.
12. In the LandVision data, the assessor's data contains a field for whether the parcel is owner-occupied. We consider a parcel to be occupied by renters if the parcel is not occupied by the owner and there is at least one bedroom on the parcel.
13. <https://www.panoramic.com/cityspaces-location/shattuck-berkeley/>
14. http://opr.ca.gov/docs/specific_plans.pdf
15. <https://www.menlopark.org/149/El-Camino-Real-and-Downtown-Specific-Pla>
16. <https://planning.lacity.org/ordinances/docs/toc/TOCGuidelines.pdf>
17. Construction costs come from estimates provided by local developers.
18. Impact fees are different between Menlo Park and Fruitvale but the other soft costs like architecture and consulting fees and financing costs are likely similar.
19. Estimates for land costs come from Zillow.
20. Estimates for rents, operating expenses, and cap rates come from Yardi.
21. https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200SB50

Acknowledgements

This study was funded by a grant from the University of California Institute of Transportation Studies with funding from the Road Repair and Accountability Act of 2017 (Senate Bill 1). The contents of this brief reflect the views of the author(s), who is/are responsible for the facts and the accuracy of the information presented. This document is disseminated under the sponsorship of the State of California in the interest of information exchange and does not necessarily reflect the official views or policies of the State of California.

We are grateful to Dr. Miriam Zuk, Carol Galante, David Garcia, and Elizabeth Kneebone for their feedback on this brief.

Carroll, John (BOS)

From: Mchugh, Eileen (BOS)
Sent: Thursday, March 28, 2019 4:33 PM
To: Carroll, John (BOS)
Subject: FW: SF Chamber Letter re: Oppose File No. 190319
Attachments: 3.28.19_Oppose File No. 190319.pdf

Categories: 190319

From: Mary Young <myoung@sfchamber.com>
Sent: Thursday, March 28, 2019 2:56 PM
To: Yee, Norman (BOS) <norman.yee@sfgov.org>
Cc: Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>; Breed, Mayor London (MYR) <mayorlondonbreed@sfgov.org>; Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>; Fewer, Sandra (BOS) <sandra.fewer@sfgov.org>; Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Mar, Gordon (BOS) <gordon.mar@sfgov.org>; Brown, Vallie (BOS) <vallie.brown@sfgov.org>; Haney, Matt (BOS) <matt.haney@sfgov.org>; Mandelman, Rafael (BOS) <rafael.mandelman@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; Walton, Shamann (BOS) <shamann.walton@sfgov.org>; Cohen, Emily (DPH) <emily.cohen@sfgov.org>; senator.wiener@senate.ca.gov; Ann.Fryman@sen.ca.gov; Karunaratne, Kanishka (MYR) <kanishka.cheng@sfgov.org>
Subject: SF Chamber Letter re: Oppose File No. 190319

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear President Yee,

Please see attached letter from the San Francisco Chamber of Commerce opposing Board of Supervisors File No. 190319.

Thank you,



Mary Young

Manager, Public Policy
San Francisco Chamber of Commerce
235 Montgomery St., Ste. 760, San Francisco, CA 94104
(O) 415-352-8803 • (E) myoung@sfchamber.com





235 Montgomery St., Ste. 760, San Francisco, CA 94104
tel: 415.352.4520 • fax: 415.392.0485
sfchamber.com • twitter: @sf_chamber

March 28, 2019

The Honorable Norman Yee, President
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102

RE: Oppose File #190319, Resolution to Oppose California State Senate Bill 50 (Wiener) – Housing Development Incentives – Unless Amended

Dear President Yee and Members of the Board of Supervisors,

The San Francisco Chamber of Commerce, representing thousands of local businesses, urges you to oppose File #190319, Supervisor Mar's resolution opposing California State Senate Bill No. 50 (SB 50), authored by Senator Scott Wiener, which allows for greater housing density along public transportation corridors and near job centers.

The Chamber supports SB 50, and believes this Resolution is a step backwards in our collective efforts to build more housing at all levels of affordability in San Francisco neighborhoods, throughout the Bay Area and across California. Senator Wiener's bill, which is supported by three-quarters of San Francisco voters according to a recent Chamber of Commerce poll, will help break the gridlock imposed by long-standing zoning and permitting restrictions that still reflect the exclusionary housing policies of a bygone era.

Increasing density close to transit and job centers will enable more residents to live near our workplaces, reducing traffic congestion and the overcrowding of our beleaguered public transportation systems. It will lower carbon emissions and help reduce the destructive impacts of climate change across the state by reversing development patterns and incentives that lead to urban and suburban sprawl.

Most important, SB 50 will result in an increase of vitally needed affordable housing stock, as more units will be built in areas currently zoned ineligible for 100% affordable housing. Legalizing more multi-unit buildings will result in the construction of inclusionary housing that provides below market-rate units for San Franciscans who cannot afford our city's exorbitant real estate and rental prices.

Contrary to assertions in the Resolution, under SB 50 San Francisco will retain its approval process for individual projects and community members will have the same opportunities to provide input as they do now. The city will continue to capture local impact fees directed to transportation and streetscape improvements. Local demolition protections will remain in place.



235 Montgomery St., Ste. 760, San Francisco, CA 94104
tel: 415.352.4520 • fax: 415.392.0485
sfchamber.com • twitter: @sf_chamber

The San Francisco Chamber of Commerce has long supported policies that increase housing density to help alleviate the city's significant housing shortage, especially for middle and low-income residents. This Resolution may stymie efforts at the state level to meet our challenges of providing housing at all levels of affordability locally, in San Francisco and across the Bay Area. We therefore urge the Board of Supervisors to oppose this Resolution when it comes before you for a vote.

Sincerely,

A handwritten signature in black ink, appearing to read "Rodney Fong". The signature is stylized with a large, sweeping initial "R" and "F".

Rodney Fong
President and CEO
San Francisco Chamber of Commerce

cc: Clerk of the Board of Supervisors, to be distributed to all Supervisors; Mayor London Breed; State Senator Scott Wiener

Carroll, John (BOS)

From: Board of Supervisors, (BOS)
Sent: Thursday, March 28, 2019 10:12 AM
To: Carroll, John (BOS)
Subject: FW: Please Support SB50

Categories: 190319

-----Original Message-----

From: Jacob Medaris <jacobmedaris@icloud.com>
Sent: Wednesday, March 27, 2019 10:29 PM
To: Yee, Norman (BOS) <norman.yee@sfgov.org>
Cc: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Please Support SB50

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisor Yee,

As a resident of your district, I urge you to support SB 50 in the state legislature. San Francisco has been underproducing housing for decades and we need to reduce the stranglehold exclusionary zoning has had in our city to cause it to have one of the highest rents and real estate prices in the world. We need more homes for everyone, not just the rich. I live in a neighborhood filled with mega mansions, I would like to see some more apartment buildings in District 7 that are transit accessible.

Please do not the BOS resolution to oppose Senator Weiner's bill. My future depends on the passage of SB 50.

Thank you,

Jacob Medaris
60 Mercedes Way
San Francisco, CA 94127

Carroll, John (BOS)

From: Mike Forster <mike@mikeforster.net>
Sent: Monday, March 11, 2019 12:08 PM
Cc: 'Mike Forster'
Subject: SB 50 and Daylight Planes - Restricted Building, Eminent Domain, and Solar Impaired

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

March 11, 2019

To:
State Senator Scott Wiener
Council Members of Palo Alto
Supervisors of San Francisco, San Mateo, and Santa Clara Counties
Council Members of the City of Palo Alto
NRDC
CALPIRG
Environment California
AARP

SB 50 and Daylight Planes - Restricted Building, Eminent Domain, and Solar Impaired. Daylight planes will interact with California Senate bill SB 50 - the More Homes Act - to restrict building options, generate large eminent domain costs and legal challenges, impair solar power, or all of the above.

Restricted development. Often, the property immediately behind a commercial property along a thoroughfare such as El Camino Real is a residence. In Palo Alto, a residential owner has the purchased, expected, and historic right to a daylight plane starting 10 feet above the property line extending at a 45-degree angle; many cities have similar regulations. So, adjacent housing could not reach SB-50's maximum height of 55 feet closer than 45 feet to the property line. This would make tall developments practically and financially infeasible in many locations.

Eminent domain. If new housing were allowed to intrude on the daylight plane, government would have to use eminent domain to compensate the residential owner for the permanent reduction in property value. Daylight access is a key feature of a property, with value. Per our Constitution, government would have to compensate owners for this loss in value. Caltrain noise could be considered a detriment comparable to daylight access. A quick study of 8 homes sold in Palo Alto's South Gate neighborhood between 2016 and 2018 shows that homes next to the Caltrain tracks sold for an average of 17% or \$308 per square foot less, or \$511,000 dollars per home, than comparable homes 2 to 3 blocks from Caltrain. Other less expensive cities

would have lower cost impacts - but even so, with likely thousands of such properties statewide, SB 50 could cause a huge cost to our government, as well as court challenges.

Solar impaired. Any intrusion into the daylight plane could also impair access to rooftop solar power for those residences adjacent to new SB 50 developments, by shading the rooftops and reducing the solar power production.

A better approach - Mandate maximums under current zoning laws. Instead of SB 50, the state could mandate that all new construction in the desired areas - near mass transit or along transit corridors - maximize the height, useable floor space, and housing units according to existing local zoning regulations. This would maintain local control, but maximize the number of units in the desired areas.

Mike Forster, Palo Alto

Mike Forster
420 Stanford Ave
Palo Alto, CA 94306
mike@mikeforster.net
650 464 9425

Carroll, John (BOS)

From: zrants <zrants@gmail.com>
Sent: Monday, February 25, 2019 11:54 PM
To: Board of Supervisors, (BOS)
Cc: Fewer, Sandra (BOS); Stefani, Catherine (BOS); Peskin, Aaron (BOS); Mar, Gordon (BOS); Brown, Vallie (BOS); Haney, Matt (BOS); Yee, Norman (BOS); MandelmanStaff, [BOS]; Ronen, Hillary; Walton, Shamann (BOS); Safai, Ahsha (BOS)
Subject: RE: hearing on CASA and SB-50

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisor:

I am requesting a public hearing on CASA & SB-50.

I urge you to craft a resolution and vote on the matter. We are concerned about the escalation of state power over local jurisdiction that these efforts on the part of our state legislators are pushing.

Thank you.

Mari Eliza, concerned citizen

Carroll, John (BOS)

From: Kathy Howard <kathyhoward@earthlink.net>
Sent: Wednesday, February 20, 2019 12:31 PM
To: Board of Supervisors, (BOS); Stefani, Catherine (BOS); Mar, Gordon (BOS); MandelmanStaff, [BOS]; Walton, Shamann (BOS); Peskin, Aaron (BOS); Safai, Ahsha (BOS); Ronen, Hillary; Cohen, Malia (BOS); Yee, Norman (BOS); Fewer, Sandra (BOS); Brown, Vallie (BOS)
Subject: Please hold a public hearing on SB-50 and CASA
Follow Up Flag: Follow up
Flag Status: Flagged

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

**Please hold a public hearing on CASA & SB-50.
Please also craft a resolution and vote on the matter.
Thank you.**

**Katherine Howard
San Francisco, CA**

Carroll, John (BOS)

From: Susan Kirsch <susankirsch@hotmail.com>
Sent: Monday, February 18, 2019 9:51 AM
Cc: 2Preserve LA
Subject: SB-50 Teleconference Tonight Mon. 2/18 at 7 pm
Attachments: SB 50 Coalition to Preserve LA Analysis.docx

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear ABAG Reps & Alternates - ***Tonight*** - Mark your calendar for a 7:00 pm call about SB-50, one of the bills coming forward under the CASA Compact. Forward this notice to others on your City Council, Planning Commission, and Neighborhood Leaders' lists. Help get word out to help create informed policy.

Partners of **Livable California**, the **Coalition to Preserve LA**, is hosting a teleconference about SB-50 tonight (Monday) at 7:00 pm. Dial in to find out what you need to know about SB-50.

Call-in number: (605) 313-4400 Access Code: 870559 #

Please RSVP to 2preservela@gmail.com (above), for a head count. Not required, but appreciated.

Review the attached SB-50 analysis for impact on homeowners. You'll see a few specifics for LA, but most of the analysis applies to the entire state.

Critics of SB-50 call it the **California Gentrification, Displacement, and Environmental Destruction Act**. Others call it the **Real Estate Investor and Developer Enhancement Act**. Few people see promise to address the issue of housing affordability. Sen. Scott Wiener (author of SB-50) and colleagues, influenced by global corporations working under umbrella organizations like the Bay Area Council, the Silicon Leadership Group, and MTC (which created CASA) are organized and funded to promote profit, not people. Learn how SB-50 dismantles your communities' authority to manage your own growth, infrastructure, and long-term well-being.

Coalition to Preserve LA describes the Monday night call like this: SB 50 is a Russian Nesting Egg, one egg within another, until you get to its rotten core. *Leading media outlets have misunderstood, and utterly failed, to un-peel this rotten egg.* On the call, we'll peel back the layers.

SB 50 is the greatest attack on single-family home ownership, and the most extreme gentrification tool, ever floated by Sacramento. It rebrands quiet streets as either "transit rich" or "above-median/good schools/jobs-rich," in order to up-zone single-family areas to 75- and 85-foot apartments.

We'll explain why SB 50's claim to protect renters is trash talk. SB 50 will gentrify indiscriminately and push renters and the working-class from their homes.

We've confirmed that if SB 50 passes, cities can't reject these "by-right" luxury towers. **Cities can only challenge the developer if the project threatens public safety.**

Do you want to un-peel the Russian Nesting Egg with us?

Please dial into **(605) 313-4400 Access Code: 870559 #** on Monday, Feb. 18 at 7 p.m.!

Coalition to Preserve LA: 2preservela.org

Or on [Twitter click here](#)

Facebook: [@PreserveLA](#)

Susan Kirsch, Founder
Livable California
415-686-4375

Carroll, John (BOS)

From: Board of Supervisors, (BOS)
Sent: Friday, January 18, 2019 1:52 PM
To: Mandelman, Rafael (BOS); Yee, Norman (BOS)
Subject: FW: CASA: Reasons To Oppose Authorization To Sign
Attachments: CASA_letter.Final.pdf; Handout.Final (1).pdf

From: susankirsch@livableca.org <susankirsch@livableca.org>
Sent: Wednesday, January 16, 2019 12:53 PM
To: Susan Kirsch <susankirsch@hotmail.com>
Subject: CASA: Reasons To Oppose Authorization To Sign

This message is from outside the City email system. Do not open links or attachments from untrusted sources.



January 16, 2019

Dear ABAG Delegate:

Elected and community leaders from throughout the 9-County Bay Area appeal to you to **oppose authorizing ABAG President Rabbit to sign the CASA Compact.**

Attached are resources to support our recommendation.

1. Five points of rebuttal to the staff recommendation for endorsement from Livable CA.
2. *CASA's secret New York junket* published in "48 Hills" 1/15/19 <https://48hills.org/2019/01/casas-secret-new-york-junket/>
3. Handout: The Bay Area is experiencing a Success Crisis; CASA is not the answer!
4. Video links from the Rohnert Park City Council meeting, 1/8/19:

Local officials were not kept informed "Why didn't you get input from us?" (90-seconds)

https://www.youtube.com/watch?v=5jJ2C_a_Zkg&index=7&list=PL9L1bX8p45x8NZ6KsVzbRxT6mpZneNDGT

CASA harms cities (60-seconds)

<https://www.youtube.com/watch?v=6UedTFv-RSU&index=4&list=PL9L1bX8p45x8NZ6KsVzbRxT6mpZneNDGT>

SB-50, state zoning and loss of local control (2-minutes)

<https://www.youtube.com/watch?v=yGgO-NcoHvA&list=PL9L1bX8p45x8NZ6KsVzbRxT6mpZneNDGT&index=14>

Thank you for representing your constituency.

Susan Kirsch, Founder
Livable California
415-686-4375
LivableCalifornia.org



January 16, 2019

To: ABAG Executive Board
From: Livable California
Subject: CASA Compact Authorization to Sign

We appreciate the work that went into creating the CASA Compact. We agree there is a housing problem that impacts everyone in the Bay Area. It requires long-term thinking and collaborative problem solving. However, on behalf of elected officials, community leaders, and residents of the nine-county Bay Area, we appeal to you to reject authorization for President Rabbitt to sign the CASA Compact.

1. It's unfair to exclude local elected officials from planning and then not allow time for feedback re: a 15-Year Emergency Policy to Confront the Housing Crisis in the San Francisco Bay Area.

- 1.1. About 70% of the Bay Area's population live in the 98 cities that were NOT represented during the development of the Compact.
- 1.2. The Outreach meetings were an afterthought that began in December, 18-months after the CASA process started. A typical presentation allowed 45 minutes of PowerPoint presentation with just 10-15 minutes for questions; inadequate for meaningful deliberation on a 15-year policy to address the housing crisis!
- 1.3. Local officials were not kept informed. This 90-second video demonstrates the frustration of the Rohnert Park Mayor Gina Belforte when she asks Jake Mackenzie, MTC Chair, member of the CASA Technical Committee, and ABAG rep, "Why didn't you get input from us?" <https://www.youtube.com/watch?v=5jj2CaZkg&index=7&list=PL9L1bX8p45x8NZ6KsVzbRxT6mpZneNDGT>.
- 1.4. In another sleight of hand, the staff memo (1/10/19) describes the 5-point "gradients of agreement" system, used to report MTC and CASA Committee approval. Typically, a 5-point scale registers 1 and 2 as favorable; 3 as neutral or undecided; and 4 and 5 as unfavorable. But MTC/CASA clustered all 1-4 ratings as favorable, stacking the deck against getting an honest summary of opinions.

2. The Compact will exacerbate transit woes without solving the housing dilemma.

- 2.1. MTC has failed in its mission to provide safe, coordinated, efficient, and reliable transportation systems. With contraction of routes, ridership on bus and light rail is declining. CalTrain ridership is maxed out. Yet MTC seeks to usurp the long-standing authority of cities to plan for growth and housing—without offering transit improvements.

- 2.2. Displacement from new construction near transit will force low-income people to outlying areas that lack public transportation, thereby increasing traffic.
- 2.3. Residents of new units built near transit will not necessarily use transit, but there is clear evidence that failure to provide parking will result in cars being parked in adjoining neighborhoods.

3. The Compact fails to identify the root causes of the housing dilemma. The proposed “solutions” have predictable, adverse consequences.

- 3.1. Silicon Valley and other big cities’ rapid expansion of commercial space has created over four million jobs and great wealth. But cities didn’t require and corporations didn’t cover their fair share of housing. In Cupertino, thousands of homes have been permitted, but developers are not building.
- 3.2. Governor Newsom is on the right track to challenge corporate leaders to be part of a solution. For example, Google’s parent company, Alphabet, has a market cap of \$700B. What is their fair share of solving the housing crisis? CASA proposes to tax local governments, homes and purchases, putting the cost burden in the wrong place and on the most vulnerable.
- 3.3. The CASA report fails to provide analysis of why housing construction has lagged behind commercial development or how to factor for rising costs of land, lumber, and labor. Office development that outstrips housing and transportation will worsen conditions, reduce critical services and infrastructure. New building will displace low- and middle-income residents.
- 3.4. CASA blames cities for the housing crisis and sets out to divert local control to a regional, unelected agency. However, cities don’t build. They plan, zone, monitor and respond, with participation from the community. Elected officials will point with well-deserved pride to their General Plans, Housing Elements, and Design Guidelines.
- 3.5. A commercial/housing project in Cupertino, driven by SB-35, includes 2,000 housing units + 1.8M sf of office space + 400K sf of retail space = ~8,000 jobs. If 2,000 housing units house 3,000 workers, where do the other 5,000 live? This legislation-driven project makes the Housing Crisis *worse*, not better. We need time for the plethora of recent housing laws and local initiatives to be evaluated before adding more state mandates.

4. Most of the 10 elements weaken local decision-making and the authority of elected officials, while empowering unelected bureaucrats.

- 4.1. CASA proposes a new Regional Housing Enterprise funded by raiding the revenues that cities rely on to provide essential services. In this 60-second video, Rohnert Park City Council member Stafford says, “Absolutely Not.”
<https://www.youtube.com/watch?v=6UedTFv-RSU&index=4&list=PL9L1bX8p45x8NZ6KsVzbRxT6mpZneNDGT>
- 4.2. The new SB-50, successor to SB-827, is introduced under the umbrella of CASA. It retains a heavy-handed, top-down mandate of high-density housing near transit, giving the state the right to determine local zoning. Watch this 2-minute video to hear the staff report on

the multiple-negative impacts of SB-50 on Rohnert Park, typical of many cities throughout the region. <https://www.youtube.com/watch?v=yGgO-NcoHvA&list=PL9L1bX8p45x8NZ6KsVzbRxT6mpZneNDGT&index=14>

5. The proposed funding structure raids local revenue, constrains future options and indicates the culture of things to come.

- 5.1. The “menu” of funding options takes 20% of property tax increases and imposes other local taxes and fees. CASA ignores how cities with fewer resources will provide new residents with education, public safety, water, sewer and other services.
- 5.2. Few know better than you who have served on the ABAG Executive Board about the tactics and culture of MTC. After years of serving as a representative body with accountability to the community, MTC dismantled your role with the merger. In the corporate world it might have been called a hostile take-over. Now with the CASA Compact, MTC has shown arrogance and increasing disrespect and disregard to small and medium-sized cities. The proposal for a Regional Housing Enterprise creates a risk that cities will be reduced to ceremonial players under the thumb of an unelected bureaucracy with taxing and distribution authority.

We urge you to reject authorization for President Rabbit to sign the CASA Compact. Don't be persuaded by arguments of “oh, it's nothing” or “it's a housing crisis, and we have to do something.” Planning and problem solving to find solutions to the housing dilemma must continue. But bring the process back to solid footing grounded in a cooperative, not adversarial, model. Cast your vote to oppose signing. Make it a vote to reclaim respectful listening, inclusion, and democratic process that promotes a culture of caring.

Consider these steps:

1. Vote to oppose authorization to sign until after a meeting of the ABAG General Assembly.
2. Form an ABAG Executive Board team to visit 12 or more cities from the 9-county Bay Area and gather feedback on the CASA Compact. Learn what cities and businesses are doing to bring jobs and housing into balance.
3. Convene a General Assembly to report the findings and give proper deliberation to the CASA Compact. Include the public.
4. Recommend a delay in introducing more housing legislation until the singular and cumulative impact of the 25-30 bills passed in recent years has been assessed.

Thank you for your service.

Susan Kirsch, Founder

Livable California

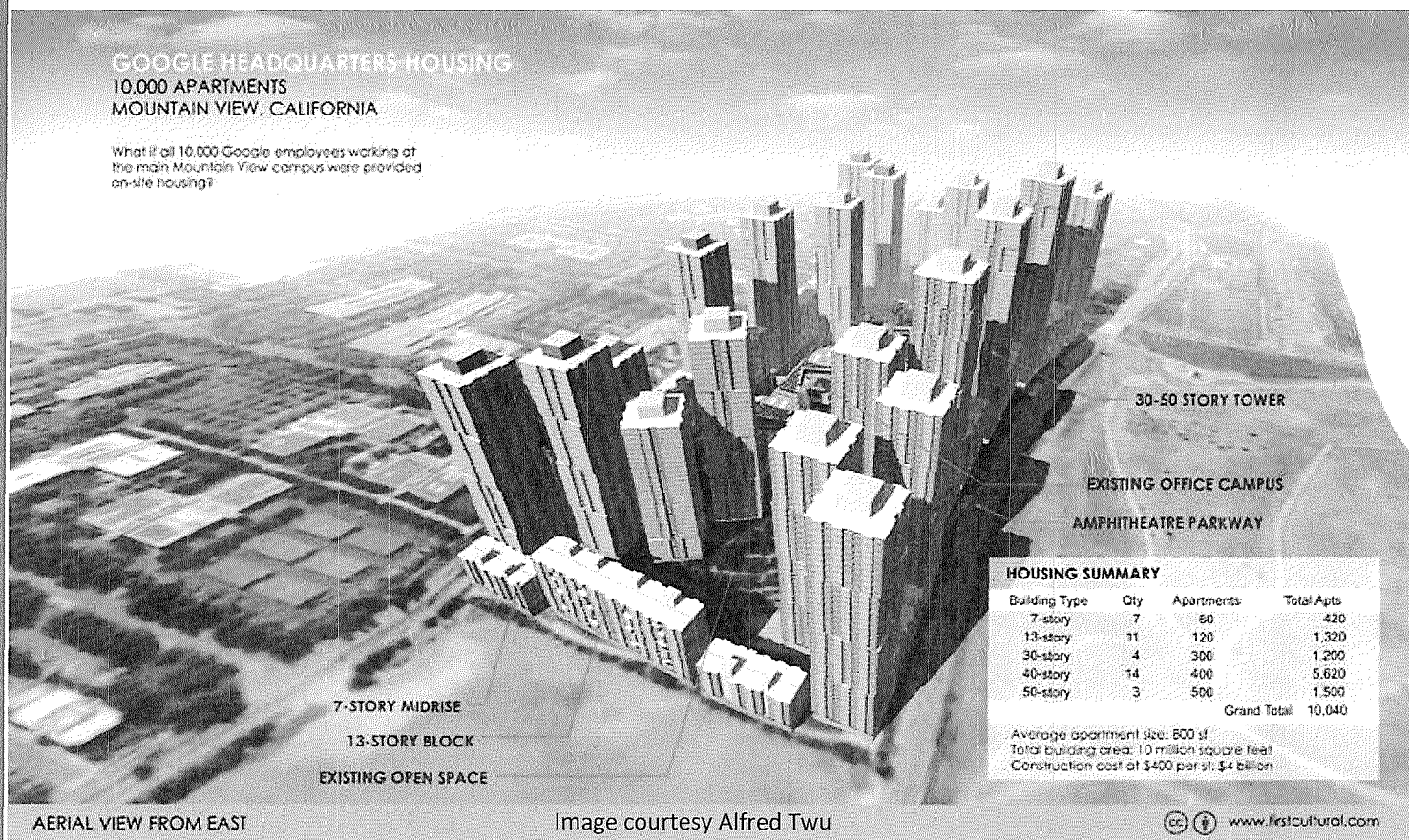
Contact: Susan Kirsch (415) 686-4375

The Bay Area is experiencing a Success Crisis

As the world's technology center, we benefit from great wealth and over 4 million jobs, but our success has led to a

Housing Crisis

Here's what it would take to house Google HQ employees – in 800-square-foot apartments – back in 2015. Today's cost, at \$500,000/unit excluding land, would be \$5 Billion. That does not include affordable housing for lower-paid workers.



What's the solution?

How do we, as a community, address this crisis with its attendant problems of traffic congestion, inadequate public transit, schools, water and climate change, and infrastructure?

CASA is not the answer!

CASA is an end run around democracy.

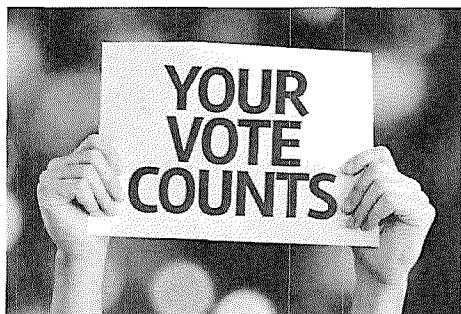
- The hostile takeover of ABAG by MTC is a disturbing sign of things to come.
- 98 of 101 cities impacted by CASA were excluded from the committee.
- Blaming communities and so-called NIMBYs for the housing crisis is an excuse to wrest local control from cities, while excusing the corporations and developers who are responsible.
- Local governments will be reduced to ceremonial players under the thumb of a regional agency, run by political appointees.
- Municipal zoning laws will be overturned.



Livable California says, "Fix the process!"

ABAG was intended to be a representative, collaborative body.

1. Vote to oppose authorization of CASA.
2. Convene a General Assembly of the 9-county ABAG delegates to give proper hearing to the CASA Compact. Include broad public participation.
3. Support Governor Newsom's challenge to corporate leaders to partner with the state to solve the housing crisis. CASA's plan to tax homes, purchases and local governments puts the burden in the wrong place and won't come close to producing enough funding. Google's parent company, Alphabet, has a market cap of \$700B, Facebook \$415B, and Apple's net profits over nine years is more than \$350B. They can, and should, step up.
4. Delay further housing legislation until the singular and cumulative impact of the 25-30 bills passed in previous years has been assessed.



Just say NO to CASA!

OB
leg rep
leg clerk

Member, Board of Supervisors
District 4



City and County of San Francisco

GORDON MAR
馬兆明

DATE: March 27, 2019

TO: Angela Calvillo
Clerk of the Board of Supervisors

FROM: Supervisor Mar
Chairperson

RE: Government Audit and Oversight Committee
COMMITTEE REPORT

Pursuant to Board Rule 4.20, as Chair of the Government Audit and Oversight Committee, I have deemed the following matter is of an urgent nature and request it be considered by the full Board on Tuesday, April 9, 2019, as a Committee Report:

File No. 190319 [Opposing California State Senate Bill No. 50 (Wiener) - Housing Development: Incentives - Unless Amended]

Resolution opposing California State Senate Bill No. 50, authored by Senator Scott Wiener, which would undermine community participation in planning for the well-being of the environment and the public good, prevent the public from recapturing an equitable portion of the economic benefits conferred to private interests, and significantly restrict San Francisco's ability to protect vulnerable communities from displacement and gentrification, unless further amended.

This matter will be heard in the Government Audit and Oversight Committee on April 4, 2019, at 10:00 a.m.

BOARD OF SUPERVISORS
SAN FRANCISCO
2019 MAR 28 AM 9:10
BY [Handwritten signature]

BOS-11, Rules, COB, Leg Dep - LUClerk,
GA Clerk, Dep. City Atty.

President, District 7
BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689

Tel. No. 554-6516
Fax No. 554-7674
TDD/TTY No. 544-6546

Norman Yee

PRESIDENTIAL ACTION

Date: 3/25/2019
To: Angela Calvillo, Clerk of the Board of Supervisors

Madam Clerk,
Pursuant to Board Rules, I am hereby:

Waiving 30-Day Rule (Board Rule No. 3.23)

File No. _____
(Primary Sponsor)
Title. _____

Transferring (Board Rule No 3.3)

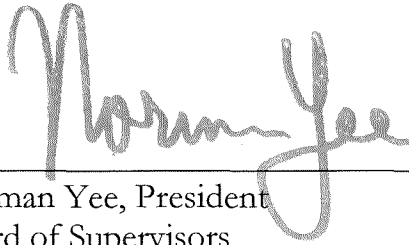
File No. 190319 Mar
(Primary Sponsor)

Title. Opposing California State Senate Bill No. 50 (Wiener) - Housing
Development: Incentives - Unless Amended

From: Land Use & Transportation Committee
To: Government Audit & Oversight Committee

Assigning Temporary Committee Appointment (Board Rule No. 3.1)

Supervisor _____
Replacing Supervisor _____
For: _____ Meeting
(Date) (Committee)


Norman Yee, President
Board of Supervisors

BOARD OF SUPERVISORS
SAN FRANCISCO
4/11/2019 11:00 AM

Print Form

Introduction Form

By a Member of the Board of Supervisors or Mayor

RECEIVED
 BOARD OF SUPERVISORS
 SAN FRANCISCO
 2019 MAR 19 PM 4:22
 Time stamp
 BY _____ or meeting date *JK*

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor [] inquiries"
- 5. City Attorney Request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No. []
- 9. Reactivate File No. []
- 10. Topic submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Mar; Mandelman, Yee, Fewer, Peskin

Subject:

Opposing Unless Amended California State Senate Bill 50 (Wiener) - Housing Development: Incentives

The text is listed:

Resolution opposing unless further amended California Senate Bill 50, authored by Senator Wiener, which would significantly restrict San Francisco's ability to protect vulnerable communities from displacement and gentrification, prevent the public from recapturing an equitable portion of the economic benefits conferred to private interests, and undermine citizen participation in planning for the well being of the environment and the public good.

Signature of Sponsoring Supervisor: *[Signature]*

For Clerk's Use Only